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Town Of Needham

NEEDHAM
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TOWN CLERK'S RECORDS

OF THE

STATE PRIMARY

September 18, 1990

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NEEDHAM, (MASS.)

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TOWN OF NEEDHAM

TOWN CLERK'S RECORDS

OF THE

STATE PRIMARY

September 18, 1990

STATE ELECTION

November 6, 1990

SPECIAL TOWN MEETING

NOVEMBER 14, 1990

ANNUAL TOWN ELECTION

April 8, 1991

ELECTION

(To Break Tie Vote Of Defeated Candidates With Second Highest Vote for Town Meeting Member in Precinct J)

April 23, 1991

ELECTION

(To Fill a Vacancy in Precinct I for Town Meeting Member)

April 30, 1991

ANNUAL TOWN MEETING

May 6, 1991

SPECIAL TOWN MEETING

May 13, 1991

A
353.9
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RECORD OF STATE PRIMARY

September 18, 1990

Pursuant to a Warrant issued by the Selectmen August 7, 1990, the Inhabitants of the Town of Needham qualified to vote in elections met at the polling places designated for the several precincts in said Needham on Tuesday, the eighteenth day of September in the year 1990 at 7:00 A.M. for the purpose of nominating State and County officers. The polls remained open until 8:00 P.M.

The polling places had been designated as follows:

Precinct A -	Hillside School
Precinct B -	Hillside School
Precinct C -	Newman Middle School
Precinct D -	High Rock School
Precinct E -	Pollard Middle School
Precinct F -	Stephen Palmer Community Room
Precinct G -	Broadmeadow School
Precinct H -	Broadmeadow School
Precinct I -	William Mitchell School - Gymnasium
Precinct J -	William Mitchell School - Gymnasium

The ballot box returns in the Precincts were as follows:

PRECINCTS	A	B	C	D	E
7:00 A.M.	0	0	0	0	0
8:00 A.M.	85	103	98	140	90
9:00 A.M.	148	201	181	207	235
10:00 A.M	219	269	279	297	306
11:00 A.M.	280	349	365	373	373
12:00 NOON	330	405	432	438	449
1:00 P.M.	369	475	484	504	492
2:00 P.M.	430	525	557	544	540
3:00 P.M.	461	589	606	582	595
4:00 P.M.	529	650	694	677	650
5:00 P.M.	617	750	775	762	752
6:00 P.M.	710	865	886	870	858
7:00 P.M.	839	1010	1028	1015	999
8:00 P.M.	951	1123	1136	1154	1106

PRECINCTS	F	G	H	I	J
7:00 A.M.	0	0	0	0	0
8:00 A.M.	80	98	118	85	113
9:00 A.M.	142	214	225	177	213
10:00 A.M.	310	310	301	243	274
11:00 A.M.	439	380	383	317	358
12:00 NOON	520	438	455	397	417
1:00 P.M.	612	509	521	430	475
2:00 P.M.	688	559	584	487	539
3:00 P.M.	761	602	650	547	585
4:00 P.M.	805	672	725	625	666
5:00 P.M.	920	758	811	731	780
6:00 P.M.	1040	902	953	875	930
7:00 P.M.	1161	1033	1099	1047	1086
8:00 P.M.	1282	1174	1208	1133	1206

The Town Clerk upon receipt of the returns from the several precincts forthwith canvassed the same and announced the official results at 10:41 P.M., September 18, 1990.

The total number of votes cast was as follows:

	Republican	Democrat	Total
Precinct A	396	553	949
Precinct B	457	666	1123
Precinct C	533	604	1137
Precinct D	503	651	1154
Precinct E	547	559	1106
Precinct F	568	714	1282
Precinct G	518	655	1173
Precinct H	509	700	1209
Precinct I	471	662	1133
Precinct J	521	684	1205

TOTAL VOTE - 11,471
(62.95% of Registered Voters)

The result of the balloting was as follows:

	A	B	C	D	E	F	G	H	I	J	TOTAL
REPUBLICAN PARTY											
Total # of Votes Cast	396	457	533	503	547	568	518	509	471	521	5023
SENATOR IN CONGRESS											
Daniel W. Daly	122	124	159	137	135	169	156	170	146	160	1478
Jim Rappaport	222	269	304	299	321	325	280	281	255	293	2849
Blanks	52	64	70	67	91	74	82	58	70	68	696
GOVERNOR											
Steven D. Pierce	125	140	164	153	151	166	181	169	137	155	1541
William F. Weld	264	303	362	341	383	392	328	333	326	361	3393
Blanks	7	14	7	9	13	10	9	7	8	5	89
LIEUTENANT GOVERNOR											
Argeo Paul Cellucci	254	264	306	284	304	313	293	274	266	324	2882
Peter G. Torkildsen	99	146	149	154	168	193	159	168	147	145	1528
Blanks	43	47	78	65	75	62	66	67	58	52	613
ATTORNEY GENERAL											
Guy A. Carbone	176	200	209	205	213	208	197	212	196	208	2024
William C. Sawyer	146	169	220	213	202	259	203	205	181	218	2016
Blanks	74	88	104	85	132	101	118	92	94	95	983
SECRETARY OF STATE											
Paul McCarthy	250	321	360	340	344	394	334	345	304	359	3351
Blanks	146	136	173	163	203	174	184	164	167	162	1672
TREASURER											
Joseph D. Malone	308	372	418	398	415	453	406	409	362	422	3963
Blanks	88	85	115	105	132	115	112	100	109	99	1060
AUDITOR											
Douglas J. Murray	233	310	341	329	331	376	322	332	298	339	3211
Blanks	163	147	192	174	216	192	196	177	173	182	1812
REPRESENTATIVE IN CONGRESS (9TH District)											
No Nomination	-	-	-	-	-	-	-	-	-	-	-
Blanks	-	-	-	-	-	-	-	-	-	-	-
COUNCILLOR (2nd District)											
Paul E.Downey	97	122	126	130	125	161	135	113	118	147	1274
Michael M. Murphy	74	94	92	101	99	107	115	114	104	94	994
Alice M. Roodkowsky	97	111	142	115	104	118	110	114	99	116	1126
Blanks	128	130	173	157	219	182	158	168	150	164	1629
SENATOR IN GENERAL COURT (Norfolk, Bristol & Middlesex District)											
David H. Locke	280	347	409	380	401	431	382	385	354	388	3757
Blanks	116	110	124	123	146	137	136	124	117	133	1266

	A	B	C	D	E	F	G	H	I	J	TOTAL
REPRESENTATIVE IN GENERAL COURT (11th Norfolk District)											
William D. McKinney	-	-	-	-	342	-	-	341	-	-	683
Blanks	-	-	-	-	205	-	-	168	-	-	373
REPRESENTATIVE IN GENERAL COURT (13th Norfolk District)											
Robert H. Sullivan	252	322	369	358	-	394	340	-	310	360	2705
Blanks	144	135	164	145	-	174	178	-	161	161	1262
DISTRICT ATTORNEY (Norfolk District)											
No Nomination	–	–	–	–	–	–	–	–	–	–	–
Blanks	–	–	–	–	–	–	–	–	–	–	–
REGISTER OF PROBATE (Norfolk County)											
No Nomination	–	–	–	–	–	–	–	–	–	–	–
Blanks	–	–	–	–	–	–	–	–	–	–	–
COUNTY TREASURER (Norfolk County)											
Robert D. Hall, Jr.	273	324	379	359	368	404	370	367	348	372	3564
Blanks	123	133	154	144	179	164	148	142	123	149	1459
COUNTY COMMISSIONER (Norfolk County)											
Bruce D. Olsen	238	304	349	336	332	369	333	314	296	343	3214
Blanks	158	153	184	167	215	199	185	195	175	178	1809
DEMOCRATIC PARTY											
Total # of Votes Cast	553	666	604	651	559	714	655	700	662	684	6448
SENATOR IN CONGRESS											
John F. Kerry	390	465	421	439	365	459	423	446	447	452	4307
Scattered Write-Ins	-	-	-	-	1	-	-	-	-	-	1
Blanks	163	201	183	212	193	255	232	254	215	232	2140
GOVERNOR											
Francis X. Bellotti	235	286	246	277	220	295	255	234	288	272	2608
Evelyn F. Murphy	17	14	9	12	7	19	7	9	17	14	125
John Silber	283	357	330	342	309	372	378	438	342	381	3532
Scattered Write-Ins	-	-	-	-	-	1	-	-	-	-	1
Blanks	18	9	19	20	23	27	15	19	15	17	182
LIEUTENANT GOVERNOR											
Marjorie O'Neill Clapprood	285	355	316	351	303	367	307	342	364	357	3347
William B. Golden	117	175	149	147	118	166	159	177	132	160	1500
Nicholas A.Paleologos	93	84	75	99	81	96	119	93	98	107	945
Blanks	58	52	64	54	57	85	70	88	68	60	656
ATTORNEY GENERAL											
James M. Shannon	228	246	227	240	184	253	191	233	221	234	2257
L. Scott Harshbarger	276	388	346	373	336	408	419	425	394	397	3762
Blanks	49	32	31	38	39	53	45	42	47	53	429
SECRETARY OF STATE											
Michael Joseph Connolly	349	406	395	406	326	430	403	440	405	419	3979
Scattered Write-Ins	-	-	-	-	-	1	-	-	-	-	1
Blanks	204	260	209	245	233	283	252	260	257	265	2468

	A	B	C	D	E	F	G	H	I	J	TOTAL
TREASURER											
William Francis Galvin	219	283	252	268	223	287	270	296	264	277	2639
George Keverian	171	175	193	173	169	210	170	206	184	207	1858
Dick Kraus	100	143	106	143	100	135	147	139	137	135	1285
Blanks	63	65	53	67	67	82	68	59	77	65	666
AUDITOR											
A. Joseph DeNucci	360	422	387	422	336	433	413	452	410	434	4069
Blanks	193	244	217	229	223	281	242	248	252	250	2379
REPRESENTATIVE IN CONGRESS (9th District)											
John Joseph Moakley	407	475	428	486	381	494	465	497	461	487	4581
Blanks	146	191	176	165	178	220	190	203	201	197	1867
COUNCILLOR (2nd District)											
Christopher A. Iannella, Jr.	327	377	345	384	305	390	373	396	353	388	3638
Scattered Write-Ins	-	-	-	-	1	-	-	-	-	-	1
Blanks	226	289	259	267	253	324	282	304	309	296	2809
SENATOR IN GENERAL COURT (Norfolk, Bristol & Middlesex District)											
No Nomination	-	-	-	-	-	-	-	-	-	-	-
Blanks	-	-	-	-	-	-	-	-	-	-	-
REPRESENTATIVE IN GENERAL COURT (11th Norfolk District)											
Marie-Louise Kehoe	-	-	-	-	326	-	-	409	-	-	735
Charles M. McGowan	-	-	-	-	142	-	-	195	-	-	337
Blanks	-	-	-	-	91	-	-	96	-	-	187
REPRESENTATIVE IN GENERAL COURT (13th Norfolk District)											
Lida E. Harkins	388	441	406	454	-	469	434	-	451	468	3511
Blanks	165	225	198	197	-	245	221	-	211	216	1678
DISTRICT ATTORNEY (Norfolk District)											
William D. Delahunt	357	432	379	419	344	432	413	438	421	432	4067
Scattered Write-Ins	-	-	-	-	-	1	-	-	-	-	1
Blanks	196	234	225	232	215	281	242	262	241	252	2380
REGISTER OF PROBATE (Norfolk County)											
Thomas Patrick Hughes	315	375	346	362	294	384	350	386	356	375	3543
Blanks	238	291	258	289	265	330	305	314	306	309	2905
COUNTY TREASURER (Norfolk County)											
Daniel G. Raymondi	304	365	344	352	283	362	345	365	343	367	3430
Blanks	249	301	260	299	276	352	310	335	319	317	3018
COUNTY COMMISSIONER (Norfolk County)											
David C. Ahearn	237	289	260	281	249	306	272	324	285	297	2800
Richard R. Staiti	133	161	147	155	119	135	155	150	130	151	1436
Blanks	183	216	197	215	191	273	228	226	247	236	2212

The ballots cast in the several precincts were returned to the Town Clerk in the sealed packages. The voting lists used at the entrances to the polling places and at the ballot boxes and copy of the precinct record of the election were also returned, all properly sealed in conformity with the laws governing elections.

Adjourned at 10:41 P.M., September 18, 1990.

Attest: Theodora K. Eaton, CMC, Town Clerk

RECORD OF STATE ELECTION

November 6, 1990

Pursuant to a Warrant issued by the Selectmen October 23, 1990, the Inhabitants of the Town of Needham qualified to vote in elections met at the polling places designated for the several precincts in said Needham on Tuesday, the sixth day of November in the year 1990 at 7:00 A.M. in the forenoon. The polls remained open until eight o'clock in the afternoon.

The polling places had been designated as follows:

Precinct A -	Hillside School
Precinct B -	Hillside School
Precinct C -	Newman Middle School
Precinct D -	High Rock School
Precinct E -	Pollard Middle School
Precinct F -	Stephen Palmer Community Room
Precinct G -	Broadmeadow School
Precinct H -	Broadmeadow School
Precinct I -	William Mitchell School - Gymnasium
Precinct J -	William Mitchell School - Gymnasium

The ballot box returns in the Precincts were as follows:

PRECINCTS	A	B	C	D	E
7:00 A.M.	0	0	0	0	0
8:00 A.M.	92	153	185	169	125
9:00 A.M.	252	303	314	357	281
10:00 A.M.	422	436	430	477	465
11:00 A.M.	515	575	558	602	610
12:00 NOON	591	710	678	697	709
1:00 P.M.	659	787	784	777	781
2:00 P.M.	759	901	869	878	864
3:00 P.M.	821	973	958	962	958
4:00 P.M.	950	1049	1058	1095	1024
5:00 P.M.	1070	1196	1175	1243	1145
6:00 P.M.	1253	1339	1301	1385	1293
7:00 P.M.	1373	1518	1472	1570	1423
8:00 P.M.	1470	1633	1570	1636	1520

PRECINCTS	F	G	H	I	J
7:00 A.M.	0	0	0	0	0
8:00 A.M.	136	146	142	137	151
9:00 A.M.	315	320	286	311	330
10:00 A.M.	466	454	395	431	458
11:00 A.M.	636	574	526	560	600
12:00 NOON	740	701	703	633	702
1:00 P.M.	850	756	782	724	775
2:00 P.M.	948	820	871	841	862
3;00 P.M.	1075	906	960	918	952
4:00 P.M.	1236	987	1050	1031	1058
5:00 P.M.	1360	1083	1192	1108	1188
6:00 P.M.	1520	1230	1316	1255	1370
7:00 P.M.	1668	1408	1479	1431	1541
8:00 P.M.	1750	1555	1582	1526	1688

The Town Clerk upon receipt of the returns from the several precincts forthwith canvassed the same and announced the official results at 11:10 P.M., November 6, 1990.

The total number of votes cast was as follows:

Precinct A	1470
Precinct B	1633
Precinct C	1569
Precinct D	1636
Precinct E	1521
Precinct F	1750
Precinct G	1555
Precinct H	1582
Precinct I	1525
Precinct J	1682

TOTAL VOTE - 15,923
Including 1 Absentee Ballot Received through November 16, 1990

(84.80% of Registered Voters)

The result of the balloting was as follows:

	A	B	C	D	E	F	G	H	I	J	TOTAL
Total # of votes Cast	1470	1633	1569	1636	1521	1750	1555	1582	1525	1682	15,923
SENATOR IN CONGRESS											
John F. Kerry	864	944	903	954	846	981	870	873	915	992	9,142
Jim Rappaport	555	617	615	600	613	666	598	632	553	623	6,072
Scattered Write-Ins	-	-	-	-	-	1	-	-	3	-	4
Blanks	51	72	51	82	62	102	87	77	54	67	705
GOVERNOR AND LIEUTENANT GOVERNOR											
Silber and Clapprood	558	629	612	656	604	671	638	678	594	650	6,290
Weld and Cellucci	833	915	900	901	849	973	844	830	872	949	8,866
Umina and DeBarry	34	38	25	33	28	35	33	33	24	30	313
Scattered Write-Ins	1	4	2	3	1	3	2	3	3	1	23
Blanks	44	47	30	43	39	68	38	38	32	52	431
ATTORNEY GENERAL											
L. Scott Harshbarger, Cambridge	909	977	977	976	916	1067	948	1008	987	1060	9,825
William C. Sawyer, Acton	487	553	522	586	530	598	521	506	465	535	5,303
Blanks	74	103	70	74	75	85	86	68	73	87	795
SECRETARY OF STATE											
Michael Joseph Connolly, Boston	606	642	639	652	598	675	629	665	637	704	6,447
Paul McCarthy, Lynnfield	540	635	594	575	609	697	556	590	564	592	5,952
Barbara F. Ahearn, Templeton	210	215	221	288	202	236	226	233	189	260	2,280
Blanks	114	141	115	121	112	142	144	94	135	126	1,244
TREASURER											
William Francis Galvin, Boston	408	413	398	417	317	419	391	344	379	437	3,923
Joseph D. Malone, Watertown	907	1026	1005	1042	1064	1143	1010	1092	982	1085	10,356
C. David Nash, Framingham	84	85	86	101	72	84	65	76	75	72	800
Blanks	71	109	80	76	68	104	89	70	89	88	844
AUDITOR											
A. Joseph DeNucci, Newton	796	815	765	806	705	839	767	857	814	916	8,080
Douglas J. Murray, Somerville	472	561	585	600	605	667	538	518	498	543	5,587
Steven K. Sherman, Marlborough	101	93	93	106	89	83	79	81	67	88	880
Scattered Write-Ins	-	-	-	-	1	-	1	2	-	1	5
Blanks	101	164	126	124	121	161	170	124	146	134	1,371
REPRESENTATIVE IN CONGRESS - NINTH CONGRESSIONAL DISTRICT											
John Joseph Moakley, Boston	929	952	922	996	930	1068	982	1023	979	1073	9,854
Robert Horan, Edgartown	423	508	501	488	456	478	415	426	419	459	4,573
Scattered Write-Ins	-	-	-	-	-	-	-	-	1	-	1
Blanks	118	173	146	152	135	204	158	133	126	150	1,495
COUNCILLOR - SECOND DISTRICT											
Christopher A. Iannella, Jr., Boston	582	568	604	631	537	629	588	617	565	651	5,972
Michael M. Murphy, Canton	695	833	763	803	802	891	735	773	735	816	7,846
Scattered Write-Ins	-	-	-	-	-	-	1	-	-	-	1
Blanks	193	232	202	202	182	230	231	192	225	215	2,104

SENATOR IN GENERAL COURT - NORFOLK, BRISTOL & MIDDLESEX DISTRICT

David H. Locke, Sherborn	958	1087	1068	1109	1020	1178	1034	1048	1007	1104	10,613
Scattered Write-Ins	-	1	1	1	1	2	-	-	-	1	7
Blanks	512	545	500	526	500	570	521	534	518	577	5,303

REPRESENTATIVE IN GENERAL COURT - ELEVENTH NORFOLK DISTRICT (Precincts E & H)

Marie-Louise Kehoe, Dedham	-	-	-	-	690	-	-	826	-	-	1,516
William D. McKinney, Dedham	-	-	-	-	693	-	-	617	-	-	1,310
Scattered Write-Ins	-	-	-	-	-	-	-	1	-	-	1
Blanks	-	-	-	-	138	-	-	138	-	-	276

REPRESENTATIVE IN GENERAL COURT - THIRTEENTH NORFOLK DISTRICT (Precincts A,B,C,D,F,G,I,J)

Lida E. Harkins, Needham	803	824	864	878	-	938	873	-	890	964	7,034
Robert H. Sullivan, Dover	432	521	529	550	-	576	492	-	450	502	4,052
Richard E. Jones, Needham	153	173	106	125	-	127	109	-	119	139	1,051
Blanks	82	115	70	83	-	109	81	-	66	77	683

DISTRICT ATTORNEY - NORFOLK DISTRICT

William D. Delahunt, Quincy	934	1031	974	1026	890	1046	973	945	956	1069	9,844
Scattered Write-Ins	-	-	-	-	-	1	2	1	1	-	5
Blanks	536	602	595	610	631	703	580	636	568	613	6,074

REGISTER OF PROBATE - NORFOLK COUNTY

Thomas Patrick Hughes, Quincy	860	958	913	959	828	962	903	865	892	976	9,115
Scattered Write-Ins	-	-	-	-	-	1	-	1	1	-	3
Blanks	610	675	656	677	693	787	652	716	632	706	6,804

COUNTY TREASURER - NORFOLK COUNTY

Daniel G. Raymondi, Quincy	442	453	437	487	407	495	484	398	464	505	4,572
Robert D. Hall, Jr., Needham	815	935	911	933	911	1004	873	987	879	946	9,194
Blanks	213	245	221	216	203	251	198	197	182	231	2,157

COUNTY COMMISSIONER - NORFOLK COUNTY

David C. Ahearn, Norwood	561	590	563	596	492	580	565	575	558	630	5,710
Bruce D. Olsen, Stoughton	630	738	716	763	756	850	687	714	658	745	7,257
Blanks	279	305	290	277	273	320	303	293	309	307	2,956

QUESTION #1 (Abolishing The State Census)

Yes	1093	1270	1280	1289	1237	1374	1228	1296	1256	1364	12,687
No	291	248	215	270	208	273	245	223	214	245	2,432
Blanks	86	115	74	77	76	103	82	63	55	73	804

QUESTION #2 (Restricting Use of State Consultants)

Yes	644	672	588	636	549	644	597	631	584	677	6,222
No	776	895	936	952	922	1035	897	905	905	963	9,186
Blanks	50	66	45	48	50	71	61	46	36	42	515

QUESTION #3 (Changing Laws Concerning State Taxes and Fees)

Yes	620	656	641	654	600	614	588	685	548	660	6,266
No	826	923	891	949	882	1091	928	859	954	986	9,289
Blanks	24	54	37	33	39	45	39	38	23	36	368

QUESTION #4 (Changing Requirements for Political Parties and Candidates)

Yes	778	800	719	822	727	819	800	809	730	801	7,805
No	587	698	728	707	687	781	644	671	696	767	6,966
Blanks	105	135	122	107	107	150	111	102	99	114	1,152

QUESTION #5 (Allocating State Aid to Cities and Towns)

Yes	781	854	732	834	762	787	755	847	746	865	7,963
No	612	656	739	707	646	816	684	643	694	736	6,933
Blanks	77	123	98	95	113	147	116	92	85	81	1,027

QUESTION #6 (Free and Equal Broadcasting Time for Candidates)

Yes	731	779	753	803	781	859	765	796	770	817	7,854
No	612	721	716	732	631	699	654	663	669	742	6,839
Blanks	127	133	100	101	109	192	136	123	86	123	1,230

The ballots cast in the several precincts were returned to the Town Clerk in the sealed cases. The voting lists used at the entrance to the polling places and at the ballot boxes, and copy of the precinct record of the election were also returned, all properly sealed in conformity with the laws governing elections.

Adjourned at 11:10 P.M., November 6, 1990.

Theodora K. Eaton, CMC
Town Clerk

a true copy
Attest:

SPECIAL TOWN MEETING

November 14, 1990

Pursuant to a Warrant issued by the Selectmen October 23, 1990, the Inhabitants of the Town of Needham qualified to vote in Town Affairs met in the Derwood A. Newman Middle School on Wednesday, November 14, 1990, at 7:30 o'clock in the afternoon.

The checkers appointed by the Selectmen were sworn to the faithful performance of their duties by the Town Clerk.

Checklists were used and 242 voters, including 212 Town Meeting Members, were checked on the list as being present.

The meeting was called to order at 7:30 o'clock by the Moderator, Richard P. Melick. The call to the meeting and the officer's return were read by the Town Clerk, the reading of the articles in the Warrant being waived upon motion.

The Moderator declared a quorum to be present and requested the Town Clerk to so record.

The Moderator announced the following ground rules and these were adopted unanimously:

1. A speaker will be ruled out of order who refers to personalities. Let us remember that we are one Town Meeting Family with a common goal: the best interest of the community.

2. Rise to be recognized and address the chair; speak your name so that the Town Clerk can complete her records.

3. Disclosure required by one employed as an attorney by another who is interested in a matter; General By-Laws, Art. I, section 5.

4. If lengthy or complicated motions are not drafted and reviewed by the Moderator prior to being placed on the floor, then the speaker will yield the floor to another speaker while the drafting and formulation process is occurring.

5. Short motions to amend and procedural motions need not be in writing.

6. Parlimentary procedures known as "points of information" and "points of order" shall be strictly construed so as not to elong or permit debate after a motion to move the previous question has been voted in the affirmative.

7. Limits of debate shall be enforced.

8. Questions asked for general information purposes unnecessary for the consideration of the matter on the floor shall be ruled out of order.

9. If a speaker <u>either</u> makes any reference whatsoever to the existence or presence of cameras within the hall <u>or</u> within the sole discretion of the Moderator it is believed that the remarks of the speaker are in any way affected by the existence of the cameras, then in either event the speaker will be ruled out of order and requested to immediately be seated.

10. After a motion to put the previous question has been voted, a member may rise to a point of information only to inquire (1) what the motion or motions are that are to be put pursuant to said vote, or (2) to ask as to the order in which motions are to be so put if there are more than one motion to be voted upon, and for no other purpose.

Unanimous consent was given to omit the reading of the substance of each article when reached.

ARTICLE 1

To see if the Town will vote to transfer control and maintenance of all property known as the Greene's Field, that remains under the control of the School Committee, from the School Committee to the Board of Selectmen; or take any other action relative thereto.

MOVED: That the Town transfer the control and maintenance of all property known as the Greene's Field, that remains under the control of the School Committee, from the School Committee to the Board of Selectmen for park and recreation purposes.

A motion to amend was offered by Mr. James Hugh Powers that the Planning Board is hereby directed to make a study and investigation relative to the legal and long term planning needs status of the property known as Greene's Field, and relative to the extension to said property of the protections of Article XLIX of the Articles of Amendment to the Constitution of the Commonwealth (1918) as revised by Article XCVII of said Articles of Amendment (1972), and of all state laws enacted under authority thereof; and that said Board shall report the results of its study and investigation hereunder to the Town at the next Annual Town Meeting or sooner.

Mrs. Claire Kroll Fusaro, Vice Chairman, School Committee, advised that in the opinion of the School Department, Greene's Field belongs more properly under the control of the central administration. Mr. Patrick Alessi, resident, suggested that the maintenance budget for Greene's Field should accompany this transfer.

Mrs. Elinor Ryan Devlin, Chairman, Park and Recreation Commission, explained that three departments will help maintain this property - the Park & Recreation Department, the Department of Public Works, and the School Department.

A motion to amend was offered by Mr. George Tarallo to add the words "effective July 1, 1991." at the end of the main motion.

Mr. Tarallo's motion to amend was presented, but it failed to pass by voice vote.

ACTION: The main motion, which requires a two-thirds vote, was presented, but the Moderator was in doubt as to the voice vote. The following Town Meeting Members were sworn in as tellers by the Moderator: Susan Glazer, Richard S. Creem, Gregory John Shesko, Donald F. Russell, Sarah Ann Toran, and Leroy J. Nutile. The motion was again presented and carried by a count of hands. The hand count was Yes - 196 No - 3.

Mr. Powers' motion to amend was presented, but the Moderator was in doubt as to the voice vote. The motion was again presented, but it failed to pass by voice vote.

ARTICLE 2

To see if the Town will vote to amend its General By-Laws, Article II, as follows:

1. By adding a new Section 1 as follows:

There shall be a Town Administrator who shall be the chief administrative officer of the town. He/she shall be appointed by the Board of Selectmen based, in part, upon education, training, and professional experience in full-time public administration and who shall not be an elected office holder of the town. He/she shall be responsible directly to the Board of Selectmen for performance of the duties and obligations given to him/her by by-law, town meeting vote, or by delegation from the Board of Selectmen.

The Town Administrator shall specifically be responsible for effective and professional management of the financial and personnel affairs of the town as described herein. In order to carry out these duties, the Town Administrator shall be assisted by the Finance Director and the Personnel Director who shall be under his/her immediate supervision and direction.

Operating Budget

The Town Administrator shall be authorized to direct all departments to submit their operating budget requests in a form and on a schedule established by the Board of Selectmen.

On or before a date determined by the Board of Selectmen, the Town Administrator, with the assistance of the Finance Director, shall submit to the Board a written proposed budget for town government for the ensuing fiscal year. The proposed budget shall provide a complete financial plan of all town funds and projected expenditures.

The budget shall show in detail all estimated income from the proposed tax levy and other sources and all proposed expenditures, including debt service, for the following year. The budget shall be arranged to show the actual and estimated income and expenditures for the previous, current, and ensuing fiscal year.

The Board of Selectmen shall review the proposed budget and make such changes as it considers necessary to reflect its stated policies and program objectives. It shall return the proposed budget to the Town Administrator for presentation to the Finance Committee for its review on or before a date agreed upon by the Finance Committee, which shall in no event be less than 120 days prior to the annual Town Meeting.

Capital Improvements Budget

The Town Administrator shall be authorized to direct all departments to submit their capital budget requests in a form and on a schedule established by the Board of Selectmen.

The Town Administrator shall submit annually to the Board of Selectmen a five year capital improvements program to include: (a) a list of all capital improvements proposed to be undertaken during the next five years, together with supporting data; (b) cost estimates, methods of financing, and recommended time schedule, and (c) the estimated annual cost of operating and maintaining any facility to be constructed or acquired. He/she shall be assisted in development of the capital improvements plan by the Finance Director. The first year of the Capital Improvements Program shall constitute the proposed capital improvements budget for the coming fiscal year, and the ensuing four years of rcthe plan are included for planning purposes.

The Board of Selectmen shall review the proposed capital improvements budget and make such changes as it considers necessary to reflect its stated policies and program objectives. It shall return the proposed budget and plan to the Town Administrator for presentation to the Finance Committee for its review on or before a date agreed upon by the Finance Committee, which shall in no event be less than 120 days prior to the annual Town Meeting.

Financial Mangement

The Town Administrator shall be responsible for keeping full, complete, and current records of the financial and administrative activities of the town and shall render a full report to the Board of Selectmen at the end of the fiscal year and otherwise as they may require.

The Town Administrator shall keep the Board of Selectmen informed as to the financial condition and needs of the town and shall make recommendations to the Board as he/she deems necessary or expedient.

Personnel

The Town Administrator shall be responsible for administration of the town Personnel By-Law, including the implementation and administration of the wage and classification plan; personnel evaluation policies and practices; administration of employee benefits; labor relations, including the enforcement of labor contracts; compliance with state and federal equal opportunity laws, including Affirmative Action. He/she shall be assisted in this execution of these duties by the Personnel Director in accordance with the Personnel By-Law.

2. By striking Section 2 of Article II.

3. By changing the numbering of present Section 1 of Article II, Town Finance and Administration, to Section 2 in Article II.

4. By striking out from the first paragraph of newly renumbered Section 2 everything following the words "by the various Town departments" through the end of that paragraph and inserting a period after the words "Town departments".

5. By striking out the third paragraph of newly renumbered Section 2 and inserting in place thereof the following:

"The committee shall report to all town meetings its recommendations, in print or otherwise, on all articles having a financial impact on the Town."

6. By striking out Section 5(b) of Article II in its entirety and by changing the numbering of Section 5(a) to Section 5.;

or take any other action relative thereto.

MOVED: That the Town amend its General By-Laws, Article II, as follows:

1. By adding a new Section 1 as follows:

There shall be a Town Administrator who shall be the chief administrative officer of the town. He/she shall be appointed by the Board of Selectmen based, in part, upon education, training, and professional experience in full-time public administration and who shall not be an elected office holder of the town. He/she shall be responsible directly to the Board of Selectmen for performance of the duties and obligations given to him/her by by-law, town meeting vote, or by delegation from the Board of Selectmen.

The Town Administrator shall specifically be responsible for effective and professional management of the financial and personnel affairs of the town as described herein. In order to carry out these duties, the Town Administrator shall be assisted by the Finance Director and the Personnel Director who shall be under his/her immediate supervision and direction.

Operating Budget

The Town Administrator shall be authorized to direct all departments to submit their operating budget requests in a form and on a schedule established by the Board of Selectmen.

On or before a date determined by the Board of Selectmen, the Town Administrator, with the assistance of the Finance Director, shall submit to the Board a written proposed budget for town government for the ensuing fiscal year. The proposed budget shall provide a complete financial plan of all town funds and projected expenditures.

The budget shall show in detail all estimated income from the proposed tax levy and other sources and all proposed expenditures, including debt service, for the following year. The budget shall be arranged to show the actual and estimated income and expenditures for the previous, current, and ensuing fiscal year.

The Board of Selectmen shall review the proposed budget and make such changes as it considers necessary to reflect its stated policies and program objectives. It shall return the proposed budget to the Town Administrator for presentation to the Finance Committee for its review on or before a date agreed upon by the Finance Committee, which shall in no event be less than 120 days prior to the annual Town Meeting.

Capital Improvements Budget

The Town Administrator shall be authorized to direct all departments to submit their capital budget requests in a form and on a schedule established by the Board of Selectmen.

The Town Administrator shall submit annually to the Board of Selectmen a five year capital improvements program to include: (a) a list of all capital improvements proposed to be undertaken during the next five years, together with supporting data; (b) cost estimates, methods of financing, and recommended time schedule, and (c) the estimated annual cost of operating and maintaining any facility to be constructed or acquired. He/she shall be assisted in development of the capital improvements plan by the Finance Director. The first year of the Capital Improvements Program shall constitute the proposed capital improvements budget for the coming fiscal year, and the ensuing four years of the plan are included for planning purposes.

The Board of Selectmen shall review the proposed capital improvements budget and make such changes as it considers necessary to reflect its stated policies and program objectives. It shall return the proposed budget and plan to the Town Administrator for presentation to the Finance Committee for its review on or before a date agreed upon by the Finance Committee, which shall in no event be less than 120 days prior to the annual Town Meeting.

Financial Mangement

The Town Administrator shall be responsible for keeping full, complete, and current records of the financial and administrative activities of the town and shall render a full report to the Board of Selectmen at the end of the fiscal year and otherwise as they may require.

The Town Administrator shall keep the Board of Selectmen informed as to the financial condition and needs of the town and shall make recommendations to the Board as he/she deems necessary or expedient.

Personnel

The Town Administrator shall be responsible for administration of the town Personnel By-Law, including the implementation and administration of the wage and classification plan; personnel evaluation policies and practices; administration of employee benefits; labor relations, including the enforcement of labor contracts; compliance with state and federal equal opportunity laws, including Affirmative Action. He/she shall be assisted in this execution of these duties by the Personnel Director in accordance with the Personnel By-Law.

2. By striking Section 2 of Article II.

3. By changing the numbering of present Section 1 of Article II, Town Finance and Administration, to Section 2 in Article II.

4. By striking out from the first paragraph of newly renumbered Section 2 everything following the words "by the various Town departments" through the end of that paragraph and inserting a period after the words "Town departments".

5. By striking out the third paragraph of newly renumbered Section 2 and inserting in place thereof the following:

"The committee shall report to all town meetings its recommendations, in print or otherwise, on all articles having a financial impact on the Town."

6. By striking out Section 5(b) of Article II in its entirety and by changing the numbering of Section 5(a) to Section 5.

Mr. Patrick J. Hyland, Chairman, Town Government Review Committee, addressed articles 2, 3 and 4 on behalf of the committee. He explained that as a result of various meetings and discussions between the Town Government Review Committee and the Finance Committee, the Personnel Board, and the Board of Selectmen, a new revised Article 2, as appears in the handout, will be presented for approval along with Articles 3 and 4. Mr. Hyland will request defeat of Article 2 as it appears in the Warrant for the Special Town Meeting.

Mr. Hyland summarized the recommended change in Town Government structure as follows:

* Creation of a Town Administrator position, with responsibility for day-to-day financial and personnel adminstration;

* Personnel Director to be transferred from the legislative branch of Town Government (Personnel Board) to the executive branch (Board of Selectmen);

* Finance Director and Personnel Director to report to Town Administrator, and to assist in carrying out assigned duties;

* Capital Improvements Budget process formally established within the executive branch of Town Government;

* Collective bargaining agreements subject to formal review and recommendation to Town Meeting by Finance Committee and Personnel Board.

Mr. Frank Reardon, Vice Chairman, Finance Committee, addressed the Town Government Review Committee articles on behalf of the Finance Committee. He advised that the Finance Committee agreed with the proposed revenue projection and capital improvement budget procedures. The Finance Committee's area of concern was with the budget planning process. The revised Article 2 retains the present budget process. Based on that amendment, the Finance Committee has agreed to support the Town Government Review Committee's proposals.

Mr. Gary Uhl, member of the Personnel Board, addressed the Town Government Review Committee proposals on behalf of the Personnel Board. He explained that an agreement had been reached between the Board of Selectmen and the Personnel Board on a joint grievance procedure. In addition, these proposals will, in fact, enhance the legislative checks and balances that were a major concern at the 1990 Annual Town Meeting. Thus, the Personnel Board does endorse these proposals.

Mr. John H. Cogswell read a letter from Mr. Charles W. Wyckoff, Vice Chairman of the Personnel Board, strongly supporting these articles. Mr. Cogswell also urged support of these proposals.

A motion to amend was offered by Mr. Donald F. Russell to strike the words "on or before the first day of December" in the sixth paragraph of Section 1 and insert in place thereof the words "during the third week of January".

A second motion to amend was offered by Mr. Howard B. Bacon to delete the words "by the Board of Selectmen" in the first paragraph of Section 2 and insert in place thereof the words "based on a committee of five composed of 2 members of the Board of Selectmen, 2 members of the Personnel Board and 1 member of the Finance Committee".

After a brief discussion, Mr. Frederick Waldman moved the previous question and it was so voted by voice vote.

The main motion under Article 2 (as it appears in the Warrant) was presented, but it failed to pass by voice vote.

ARTICLE 2

To see if the Town will vote to amend its General By-Laws, Article II, as follows:

1. By deleting Section 1 and Section 2 and inserting in place thereof the following:

Section 1. There shall be a Finance Committee consisting of nine registered voters, none of whom shall be Town Officers, agents or employees. The Moderator shall annually appoint three members to serve for three years. Said Committee shall choose its own chairman and secretary. Vacancies on said Committee may be filled at any time by the Moderator. To this Committee shall be referred all Articles of the Warrant calling for appropriations. The Committee shall examine and study the budgets submitted by the various Town departments; shall from time to time throughout the fiscal year inquire into the expenditures and commitments of each department; shall immediately report to the selectmen whenever expenditures of any department are exceeding or are likely to exceed its appropriations.

The Committee shall have access to all facts, figures, records and other information relating to all Town departments, boards, committees or officers and the same shall be furnished forthwith by any departments, board, committee, officer or employee whenever so requested by the Committee.

The Committee shall report in print or otherwise to all Town Meetings. For the information of voters the report to the Annual Town Meeting shall be in print, together with the motion substantially in the form to be proposed in connection with each article in the warrant of said meeting. In its motion or motions the Finance Committee shall divide the proposed appropriation for each department into a sufficient number of items to separate the major classifications of expenditures.

Special committees established or continued by vote at an annual or special town meeting, and instructed to report to a subsequent annual town meeting, shall file their reports in writing with the Selectmen not later than the first Monday of February preceding the Annual Town Meeting to which they are instructed to report, and said reports shall be printed as appendices to the report of the Finance Committee to the Town at the Annual Town Meeting.

The first Monday in February shall be the last date on which the Board of Selectmen shall receive articles, by petition or otherwise, for inclusion in the Warrant for the next Annual Town Meeting. This shall not be deemed, however, to prohibit the Board of Selectmen from inserting in the Warrant for said Annual Town Meeting after that date articles which, in the Board's opinion, are of such importance to the welfare of the Town as to make their consideration at such meeting necessary or desirable.

The Selectmen, all departments, boards, committees or officers authorized by law to expend money shall furnish to the Town Administrator and the Finance Committee, on or before the first day of December of each year, detailed estimates of the amounts necessary for the proper maintenance and administration of the several departments under their jurisdiction for the ensuing fiscal year. Detailed estimates shall be itemized satisfactory to the Finance Committee.

On or before the first day of December of each year, the Town Administrator shall, under the direction of the Board of Selectmen, develop detailed estimates of all Town revenues for the ensuing fiscal year, along with the assumptions relating thereto. These estimates shall be presented in writing to the Finance Committee in conjunction with the departmental spending estimates. Subsequent to this date, the Town Administrator shall amend or otherwise revise these revenue estimates according to such information as may warrant such changes. All such revised estimates shall be provided to the Finance Committee in writing as soon as possible.

Section 2. There shall be a Town Administrator who shall be appointed by the Board of Selectmen based, in part, upon education, training, and professional experience in full-time public administration and who shall not be an elected office holder of the town. The Town Administrator shall be responsible directly to the Board of Selectmen for performance of the duties and obligations given to the Town Administrator by by-law, town meeting vote, or by delegation from the Board of Selectmen.

The Town Administrator shall be responsible for effective and professional administration of the financial and personnel affairs of the town as described herein. In order to carry out these duties, the Town Administrator shall be assisted by the Finance Director and the Personnel Director who shall be under the Town Administrator's immediate supervision and direction.

Capital Improvements Budget. The Town Administrator shall be authorized to direct all departments to submit their capital budget requests in a form and on a schedule established by the Board of Selectmen.

The Town Administrator shall submit annually to the Board of Selectmen a five year capital improvements program to include: (a) a list of all capital improvements proposed to be undertaken during the next five years, together with supporting data; (b) cost estimates, methods of financing, and recommended time schedule, and (c) the estimated annual cost of operating and maintaining any facility to be constructed or acquired. The Town Administrator shall be assisted in development of the capital improvements plan by the Finance Director. The first year of the Capital Improvements Program shall constitute the proposed capital improvements budget for the coming fiscal year, and the ensuing four years of the plan are included for planning purposes.

The Board of Selectmen shall review the proposed capital improvements budget and make such changes as it considers necessary to reflect its stated policies and program objectives. It shall return the proposed budget and plan to the Town Administrator for presentation to the Finance Committee for its review on or before a date agreed upon by the Finance Committee, which shall in no event be less than 120 days prior to the Annual Town Meeting.

The Finance Committee shall review the proposed capital improvements budget as submitted by the Town Administrator and make such changes as it considers necessary. The proposed capital improvements budget shall be included in the report of the Finance Committee to the town at the Annual Town Meeting.

Financial Administration. The Town Administrator shall be responsible for keeping full, complete, and current records of the financial and administrative activities of the Town and shall render a full report to the Board of Selectmen and the Finance Committee at the end of the fiscal year and otherwise as the Board of Selectmen may require.

The Town Administrator shall keep the Board of Selectmen and the Finance Committee informed as to the financial condition and needs of the town and shall make recommendations to the Board of Selectmen as the Town Administrator deems necessary or expedient.

Personnel. The Town Administrator shall be responsible for administration of the town Personnel By-Law, including the implementation and administration of the wage and classification plan;

personnel evaluation policies and practices; administration of employee benefits; labor relations, including the enforcement of labor contracts; compliance with state and federal equal opportunity laws, including Affirmative Action. The Town Administrator shall be assisted in this execution of these duties by the Personnel Director in accordance with the Personnel By-Law.

2. By striking out Section 5(b) of Article (II in its entirety and by changing the numbering of Section 5(a) to Section 5.;
or take any other action relative thereto.

MOVED: That the Town amend its General By-Laws, Article II, as follows:
1. By deleting Section 1 and Section 2 and inserting in place thereof the following:

Section 1. There shall be a Finance Committee consisting of nine registered voters, none of whom shall be Town Officers, agents or employees. The Moderator shall annually appoint three members to serve for three years. Said Committee shall choose its own chairman and secretary. Vacancies on said Committee may be filled at any time by the Moderator. To this Committee shall be referred all Articles of the Warrant calling for appropriations. The Committee shall examine and study the budgets submitted by the various Town departments; shall from time to time throughout the fiscal year inquire into the expenditures and commitments of each department; shall immediately report to the selectmen whenever expenditures of any department are exceeding or are likely to exceed its appropriations.

The Committee shall have access to all facts, figures, records and other information relating to all Town departments, boards, committees or officers and the same shall be furnished forthwith by any departments, board, committee, officer or employee whenever so requested by the Committee.

The Committee shall report in print or otherwise to all Town Meetings. For the information of voters the report to the Annual Town Meeting shall be in print, together with the motion substantially in the form to be proposed in connection with each article in the warrant of said meeting. In its motion or motions the Finance Committee shall divide the proposed appropriation for each department into a sufficient number of items to separate the major classifications of expenditures.

Special committees established or continued by vote at an annual or special town meeting, and instructed to report to a subsequent annual town meeting, shall file their reports in writing with the Selectmen not later than the first Monday of February preceding the Annual Town Meeting to which they are instructed to report, and said reports shall be printed as appendices to the report of the Finance Committee to the Town at the Annual Town Meeting.

The first Monday in February shall be the last date on which the Board of Selectmen shall receive articles, by petition or otherwise, for inclusion in the Warrant for the next Annual Town Meeting. This shall not be deemed, however, to prohibit the Board of Selectmen from inserting in the Warrant for said Annual Town Meeting after that date articles which, in the Board's opinion, are of such importance to the welfare of the Town as to make their consideration at such meeting necessary or desirable.

The Selectmen, all departments, boards, committees or officers authorized by law to expend money shall furnish to the Town Administrator and the Finance Committee, on or before the first day of December of each year, detailed estimates of the amounts necessary for the proper maintenance and administration of the several departments under their jurisdiction for the ensuing fiscal year. Detailed estimates shall be itemized satisfactory to the Finance Committee.

On or before the first day of December of each year, the Town Administrator shall, under the direction of the Board of Selectmen, develop detailed estimates of all Town revenues for the ensuing fiscal year, along with the assumptions relating thereto. These estimates shall be presented in writing to the Finance Committee in conjunction with the departmental spending estimates. Subsequent to this date, the Town Administrator shall amend or otherwise revise these revenue estimates according to such information as may warrant such changes. All such revised estimates shall be provided to the Finance Committee in writing as soon as possible.

Section 2. There shall be a Town Administrator who shall be appointed by the Board of Selectmen based, in part, upon education, training, and professional experience in full-time public administration and who shall not be an elected office holder of the town. The Town Administrator shall be responsible directly to the Board of Selectmen for performance of the duties and obligations given to the Town Administrator by by-law, town meeting vote, or by delegation from the Board of Selectmen.

The Town Administrator shall be responsible for effective and professional administration of the financial and personnel affairs of the town as described herein. In order to carry out these duties, the Town Administrator shall be assisted by the Finance Director and the Personnel Director who shall be under the Town Administrator's immediate supervision and direction.

Capital Improvements Budget. The Town Administrator shall be authorized to direct all departments to submit their capital budget requests in a form and on a schedule established by the Board of Selectmen.

The Town Administrator shall submit annually to the Board of Selectmen a five year capital improvements program to include: (a) a list of all capital improvements proposed to be undertaken during the next five years, together with supporting data; (b) cost estimates, methods of financing, and recommended time schedule, and (c) the estimated annual cost of operating and maintaining any facility to be constructed or acquired. The Town Administrator shall be assisted in development of the capital improvements plan by the Finance Director. The first year of the Capital Improvements Program shall constitute the proposed capital improvements budget for the coming fiscal year, and the ensuing four years of the plan are included for planning purposes.

The Board of Selectmen shall review the proposed capital improvements budget and make such changes as it considers necessary to reflect its stated policies and program objectives. It shall return the proposed budget and plan to the Town Administrator for presentation to the Finance Committee for its review on or before a date agreed upon by thke Finance Committee, which shall in no event be less than 120 days prior to the Annual Town Meeting.

The Finance Committee shall review the proposed capital improvements budget as submitted by the Town Administrator and make such changes as it considers necessary. The proposed capital improvements budget shall be included in the report of the Finance Committee to the town at the Annual Town Meeting.

Financial Administration. The Town Administrator shall be responsible for keeping full, complete, and current records of the financial and administrative actives of the Town and shall render a full report to the Board of Selectmen and the Finance Committee at the end of the fiscal year and otherwise as the Board of Selectmen may require.

The Town Administrator shall keep the Board of Selectmen and the Finance Committee informed as to the finanfcial condition and needs of the town and shall make recommendations to the Board of Selectmen as the Town Administrator deems necessary or expedient.

Personnel. The Town Administrator shall be responsible for administration of the town Personnel By-Law, including the implementation and administration of the wage and classification plan; personnel evaluation policies and practices; administration of employee beenefits; labor relations, including the enforcement of labor contracts; compliance with state and federal equal opportunity laws, including Affirmative Action. The Town Administrator shall be assisted in this execution of these duties by the Personnel Director in accordance with the Personnel By-Law.

2. By striking out Section 5(b) of Article (II in its entirety and by changing the numbering of Section 5(a) to Section 5.

A motion to postpone consideration of the main motion under Article 2 to Monday, November 19, 1990 was offered by Mrs. Mary Ellen Hale. The motion was presented, but it failed to pass by voice vote.

Mr. Bacon's motion to amend was presented, but it failed to pass by voice vote.

Mr. Russell's motion to amend was presented, but it failed to pass by voice vote.
ACTION: The main motion was presented and carried by voice vote.

ARTICLE 3

To see if the Town will vote to amend its Consolidated Personnel By-Law (General By-Laws, Article IX), 1990 Compilation, as most recently amended, by further amending the same as follows:

1. By inserting after the definition of "Town", in Section 4, the two following definitions:

Town Administrator - The Town Administrator established by Section 1 of Article II of the General By-Laws, as amended.

Town Charter - The Needham Special Home Rule Charter Act (Acts of 1971, Chapter 403), as amended.

2. By striking out, in Section 4, the definition of "Classification Plan", and by inserting in place thereof the following definition:

Classification Plan - The classification plan established by Section 11 of the by-law, and by votes of the Town Meeting in relation thereto, under authority of Sections 108A and 108C of Chapter 41 of the General Laws, as amended.

3. By striking out, in Section 4, the definition of "Compensation Plan", and by inserting in place thereof the following definition:

Compensation Plan - The compensation plan established by Section 12 of this by-law and by votes of the Town Meeting in relation thereto, under authority of Sections 108A and 108C of Chapter 41 of the General Laws, as amended.

4. By amending the definition of "Compensatory Time", in Section 4, by inserting after the words "division head", the words "and subject to the approval of the Town Administrator".

5. By striking out, in Section 4, the definition of "Consolidated Personnel By-Law", and inserting in place thereof the following definition;

Consolidated Personnel By-Law - Article IX of the General By-Laws of the Town of Needham, as amended.

6. By striking out, in Section 4, the definition of "Personnel Director", and by inserting in place thereof the following definition:

Personnel Director - An appointee of the selection committee as described in this by-law, Section 6, Personnel Director.

7. By striking out Clause (ii) of Subsection (c) of Section 5 and by inserting in place thereof the following clause:

(ii) By-Law Administration. The Board may issue, amend or repeal administrative orders, procedural rules, and regulations for the purpose of implementing powers and duties vested in it by this by-law and by votes of the Town Meeting pertaining to Town personnel matters. It shall monitor the administration of those aspects of this by-law vested in the Town Administrator and shall make such recommendations to the Town Meeting in respect thereto as said Board deems necessary, proper and prudent, to maintain the integrity of the operation and policies of this by-law. All employees and elected officers shall comply with and assist in furnishing records, reports and other information requested by said Board.

8. By amending Clause (iii) of Subsection (c) of Section 5 as follows:

(a) By striking out the words "under its jurisdiction" in the third line of the first paragraph, and inserting in place thereof the words "subject to this by-Law"; and (b) by striking out the second paragraph.

9. By striking out, in Subsection (c) of Section 5, Clause (iv) and renumbering existing Clause (v) to be Clause (iv).

10. By inserting after Section 5 the following new Section:

Section 5A. Duties of Town Administrator

(a) The Town Administrator shall be responsible for the administration of the Consolidated Personnel By-Law, except as to such powers and duties as are expressly assigned thereby to the Personnel Board.

With the approval of the Board of Selectmen, the Town Administrator shall delegate to the Personnel Director and Department such powers and duties as the Town Administrator deems appropriate for the expeditious and efficient management of Town personnel matters. Such delegation shall be by means of a written instrument, approved by the Selectmen, which spells out clearly the powers and duties delegated to the Personnel Director; and a copy of such instrument shall be filed promptly with the Personnel Board.

(b) The Town Administrator shall be responsible for the implementation of the Classification and Compensation Plans, subject to such rules and regulations relative thereto as the Personnel Board may from time to time adopt, amend or repeal.

(c) The Town Administrator shall:

(i) Ensure that the Town maintains an effective personnel system by monitoring the effectiveness of policies, procedures and practices as required by law, in accordance with proper personnel practices.

(ii) Ensure that the recruitment, selection, promotion, transfer, discipline and removal of employees are conducted in accordance with applicable state and federal laws, and with Town by-laws and policies adopted pursuant to the same.

(iii) Oversee administration of an affirmative action program for all departments and positions subject to the provisions of this by-law, to ensure that the town acts affirmatively in providing maximum opportunities to all persons regardless of sex, color, creed, race,

or national origin for entry level and promotional positions, and provide equal treatment in all aspects of personnel administration.

(iv) Take care to see that the rights of honorably discharged veterans of the armed forces of the United States shall be observed in the hiring, promotion, layoff or other discharge of employees under this by-law, insofar as such rights are prescribed by state and federal law.

(v) Administer employee benefits programs for (a) Town personnel subject to this by-law and (b) such other Town personnel as may be placed under his/her jurisdiction for these purposes by department not subject to this by-law.

(vi) Establish and maintain a centralized personnel record keeping system as may be required by law and/or personnel management practice, for the effective administration of Town personnel and for the purpose of the Personnel Board, provided that theTown Administrator shall consult from time to time with that Board in respect to said system and in respect to the information required by said Board for its purposes.

(vii) Provide such advice, assistance and information to the Personnel Board as it may require for the discharge of its functions under this by-law.

(viii) Provide advice and assistance to department heads, supervisory personnel, and employees, on all aspects of personnel administration.

(ix) Develop in-service training programs for Town personnel, to improve the quality and effectiveness of their job performance.

(d) When so required by a formal vote or regulation of the Board of Selectmen, the Town Administrator shall perform such duties in respect to labor relations, collective bargaining, and the enforcement of collective bargaining agreements under Chapter 150E of the General Laws as the Selectmen determine.

(e) The Town Administrator shall file promptly with the Personnel Board copies of any rule or regulation adopted under Subsection (c) and of any order or regulation adopted under Subsection (d), and of any amendment or repeal thereof.

11. By striking out Section 6 and by inserting in place thereof the following section:

Section 6. Personnel Director

(a) A selection committee comprised of two members of the Board of Selectmen, two members of the Personnel Board, and the Town Administrator may appoint a Personnel Director. Any persons so appointed to the office of Personnel Director shall be qualified by reasons of experience in personnel administration and knowledge of the state and federal laws governing municipal personnel administration in the Commonwealth. The minimum qualifications for appointment to said office shall be set forth in an official job description or position description developed jointly by the Board of Selectmen, Town Administrator, and Personnel Board.

(b) The Personnel Director shall manage the daily operations of the Personnel Department, under the supervision and direction of the Town Administrator.

(c) The Personnel Board may, by formal vote or regulation, delegate any of its powers, duties and responsibilities to the Personnel Director. Said Board shall file a copy of such vote or regulation with the Personnel Director and the Town Administrator.

12. By adding at the end of Paragraph (a) of Section 10 the following sentence: Such appointing authority shall promptly forward a copy of such notice to the Town Administrator.

13. By inserting after the first sentence of Paragraph (b) of Section 10 the following new sentence: If the aforesaid appointing authority is a department, board, committee or agency serving under the Board of Selectmen, such authority may not make such an emergency appointment without first obtaining the approval of the Town Administrator or his/her designated agent.

14. By striking out the second sentence of Clause (c)(i) of Section 10 and inserting in place thereof the following sentence: The examining physician shall advise the Personnel Department, in such form as the Personnel Board may require, whether or not the person is mentally and physically capable of performing the duties of the position.

15. By striking out the first sentence of Section 11 and by inserting in place thereof the following sentences: The Personnel Board shall formulate annually and submit to the Annual Town Meeting for its approval a schedule setting forth the classes of positions, by job title, in the Town service, which are subject to the provisions of this by-law, such schedule to be incorporated with the Compensation Plan submitted under the provisions of Subsection (a) of Section 12. Said schedule of classes of positions, as approved by the Annual Town Meeting, and the provisions of this Section, shall constitute the Classification Plan authorized by Section 108A of Chapter 41 of the General Laws, as amended.

16. By inserting after the first sentence of Subsection (b) of Section 11 the following sentence: Said Board shall provide copies of such official written descriptions to the Town Administrator and to the Town Clerk for their respective purposes under this by-law and the laws of the Commonwealth.

17. By amending Subsection (f) of Section 10, as amended, by deleting "Town Meeting" and "Approval" so that it reads "subject to appropriation."

18. By striking out the first two sentences of Subsection (a) of Section 12 and by inserting the following two sentences: The Personnel Board shall, after consultation with the Town Administrator, prepare annually, and submit to the Annual Town Meeting for its consideration and action, a Compensation Plan pursuant to Section 108A of Chapter 41 of the General Laws, as amended. The Compensation Plan shall be administered by the Personnel Director, under the supervision and direction of the Town Administrator, except as otherwise provided herein.

19. By adding at the end of Subsection (a) of Section 12 the following paragraph: If an article is inserted in the warrant for an Annual or Special Town Meeting by voter petition under Sections 10 and 12 of Chapter 39 of the General Laws, as amended, or under Section 12A of the Town Charter, as amended, which petition calls for amendments to either the Classification Plan or Compensation Plan, or both, a copy of such petition shall be furnished to the Personnel Board as soon as possible by the Town Administrator, together with any explanatory information he/she is able to provide. The Personnel Board shall report to said Town Meeting that the proposal in such petition "ought to be adopted", or

"ought to be adopted with an amendment or amendments" specified by the Board, or "ought to be referred for further study and a report to the next ensuing Annual Town Meeting", or "ought to be rejected".

20. By amending the Classification and Standard Rates of Compensation voted by the 1990 Annual Town Meeting incorporated by reference into the Consolidated Personnel By-Law, by striking out, in Schedule A, the class title "Executive Secretary, Selectmen" and the Grade "S-22".

21. By striking the third paragraph of Subsection (c) of Section 12.

22. By amending the second paragraph of Subsection (m) of Section 12 by striking the sentence: "Payment for all approved overtime must be approved in advance by the Personnel Board."

23. By amending Subsection (d) of Section 20 by striking the following sentence: "All requests for military leave of more than one day must have prior approval of the Personnel Board."

24. By amending the second paragraph of Subsection (c) of Section 23 by striking the following sentence: "No payment of non-occupational sick leave may be made without prior approval of the Personnel Board."

25. By amending Subsection (e) of Section 23 by striking the last sentence and inserting in place thereof the following: "If the cause of sick leave is not substantiated to the satisfaction of the Appointing Authority, the absence will not be paid as non-occupational sick leave."

26. By amending Section 27 by striking the words "the Annual" at the end of the first line and inserting in place thereof the word "any", and by striking the phrase "and shall report out no recommendation to a special Town Meeting other than a recommendation authorized by the provisions of Section 10, paragraph (b) of this by-law concerning emergency classifications, or those that shall be made clearly imperative by a specific provision of Massachusetts law." and inserting a "." after the word "by-law";

or take any other action relative thereto.

MOVED: That the Town amend its Consolidated Personnel By-Law (General By-Laws, Article IX), 1990 Compilation, as most recently amended, by further amending the same as follows:

1. By inserting after the definition of "Town", in Section 4, the two following definitions:

Town Administrator - The Town Administrator established by Section 1 of Article II of the General By-Laws, as amended.

Town Charter - The Needham Special Home Rule Charter Act (Acts of 1971, Chapter 403), as amended.

2. By striking out, in Section 4, the definition of "Classification Plan", and by inserting in place thereof the following definition:

Classification Plan - The classification plan established by Section 11 of the by-law, and by votes of the Town Meeting in relation thereto, under authority of Sections 108A and 108C of Chapter 41 of the General Laws, as amended.

3. By striking out, in Section 4, the definition of "Compensation Plan", and by inserting in place thereof the following definition:

Compensation Plan - The compensation plan established by Section 12 of this by-law and by votes of the Town Meeting in relation thereto, under authority of Sections 108A and 108C of Chapter 41 of the General Laws, as amended.

4. By amending the definition of "Compensatory Time", in Section 4, by inserting after the words "division head", the words "and subject to the approval of the Town Administrator".

5. By striking out, in Section 4, the definition of "Consolidated Personnel By-Law", and inserting in place thereof the following definition;

Consolidated Personnel By-Law - Article IX of the General By-Laws of the Town of Needham, as amended.

6. By striking out, in Section 4, the definition of "Personnel Director", and by inserting in place thereof the following definition:

Personnel Director - An appointee of the selection committee as described in this by-law, Section 6, Personnel Director.

7. By striking out Clause (ii) of Subsection (c) of Section 5 and by inserting in place thereof the following clause:

(ii) By-Law Administration. The Board may issue, amend or repeal administrative orders, procedural rules, and regulations for the purpose of implementing powers and duties vested in it by this by-law and by votes of the Town Meeting pertaining to Town personnel matters. It shall monitor the administration of those aspects of this by-law vested in the Town Administrator and shall make such recommendations to theTown Meeting in respect thereto as said Board deems necessary, proper and prudent, to maintain the integrity of the operation and policies of this by-law. All employees and elected officers shall comply with and assist in furnishing records, reports and other information requested by said Board.

8. By amending Clause (iii) of Subsection (c) of Section 5 as follows:

(a) By striking out the words "under its jurisdiction" in the third line of the first paragraph, and inserting in place thereof the words "subject to this by-Law"; and (b) by striking out the second paragraph.

9. By striking out, in Subsection (c) of Section 5, Clause (iv) and renumbering existing Clause (v) to be Clause (iv).

10. By inserting after Section 5 the following new Section:

Section 5A. Duties of Town Administrator

(a) The Town Administrator shall be responsible for the administration of the Consolidated Personnel By-Law, except as to such powers and duties as are expressly assigned thereby to the Personnel Board.

With the approval of the Board of Selectmen, the Town Administrator shall delegate to the Personnel Director and Department such powers and duties as the Town Administrator deems appropriate for the expeditious and efficient management of Town personnel matters. Such delegation shall be by means of a written instrument, approved by the Selectmen, which spells out clearly the powers and duties delegated to the Personnel Director; and a copy of such instrument shall be filed promptly with the Personnel Board.

(b) The Town Administrator shall be responsible for the implementation of the Classification and Compensation Plans, subject to such rules and regulations relative thereto as the Personnel Board may from time to time adopt, amend or repeal.

(c) The Town Administrator shall:

(i) Ensure that the Town maintains an effective personnel system by monitoring the effectiveness of policies,

procedures and practices as required by law, in accordance with proper personnel practices.

(ii) Ensure that the recruitment, selection, promotion, transfer, discipline and removal of employees are conducted in accordance with applicable state and federal laws, and with Town by-laws and policies adopted pursuant to the same.

(iii) Oversee administration of an affirmative action program for all departments and positions subject to the provisions of this by-law, to ensure that the town acts affirmatively in providing maximum opportunities to all persons regardless of sex, color, creed, race, or national origin for entry level and promotional positions, and provide equal treatment in all aspects of personnel administration.

(iv) Take care to see that the rights of honorably discharged vertrans of the armed forces of the United States shall be observed in the hiring, promotion, layoff or other discharge of employees under this by-law, insofar as such rights are prescribed by state and federal law.

(v) Administer employee benefits programs for (a) Town personnel subject to this by-law and (b) such other Town personnel as may be placed under his/her jurisdiction for these purposes by department not subject to this by-law.

(vi) Establish and maintain a centralized personnel record keeping system as may be required by law and/or personnel management practice, for the effective administration of Town personnel and for the purpose of the Personnel Board, provided that theTown Administrator shall consult from time to time with that Board in respect to said system and in respect to the information required by said Board for its purposes.

(vii) Provide such advice, assistance and information to the Personnel Board as it may require for the discharge of its functions under this by-law.

(viii) Provide advice and assistance to department heads, supervisory personnel, and employees, on all aspects of personnel administration.

(ix) Develop in-service training programs for Town personnel, to improve the quality and effectiveness of their job performance.

(d) When so required by a formal vote or regulation of the Board of Selectmen, the Town Administrator shall perform such duties in respect to labor relations, collective bargaining, and the enforcement of collective bargaining agreements under Chapter 150E of the General Laws as the Selectmen determine.

(e) The Town Administrator shall file promptly with the Personnel Board copies of any rule or regulation adopted under Subsection (c) and of any order or regulation adopted under Subsection (d), and of any amendment or repeal thereof.

11. By striking out Section 6 and by inserting in place thereof the following section:

Section 6. Personnel Director

(a) A selection committee comprised of two members of the Board of Selectmen, two members of the Personnel Board, and the Town Administrator may appoint a Personnel Director. Any persons so appointed to the office of Personnel Director shall be qualified by reasons of experience in personnel administration and knowledge of the state and federal laws governing municipal personnel administration in the Commonwealth. The minimum qualifications for appointment to said office shall be set forth in an official job description or position description developed jointly by the Board of Selectmen, Town Administrator, and Personnel Board.

(b) The Personnel Director shall manage the daily operations of the Personnel Department, under the supervision and direction of the Town Administrator.

(c) The Personnel Board may, by formal vote or regulation, delegate any of its powers, duties and responsibilities to the Personnel Director. Said Board shall file a copy of such vote or regulation with the Personnel Director and the Town Administrator.

12. By adding at the end of Paragraph (a) of Section 10 the following sentence: Such appointing authority shall promptly forward a copy of such notice to the Town Administrator.

13. By inserting after the first sentence of Paragraph (b) of Section 10 the following new sentence: If the aforesaid appointing authority is a department, board, committee or agency serving under the Board of Selectmen, such authority may not make such an emergency appointment without first obtaining the approval of the Town Administrator or his/her designated agent.

14. By striking out the second sentence of Clause (c)(i) of Section 10 and inserting in place thereof the following sentence: The examining physician shall advise the Personnel Department, in such form as the Personnel Board may require, whether or not the person is mentally and physically capable of performing the duties of the position.

15. By striking out the first sentence of Section 11 and by inserting in place thereof the following sentences: The Personnel Board shall formulate annually and submit to the Annual Town Meeting for its approval a schedule setting forth the classes of positions, by job title, in the Town service, which are subject to the provisions of this by-law, such schedule to be incorporated with the Compensation Plan submitted under the provisions of Subsection (a) of Section 12. Said schedule of classes of positions, as approved by the Annual Town Meeting, and the provisions of this Section, shall constitute the Classification Plan authorized by Section 108A of Chapter 41 of the General Laws, as amended.

16. By inserting after the first sentence of Subsection (b) of Section 11 the following sentence: Said Board shall provide copies of such official written descriptions to the Town Administrator and to the Town Clerk for their respective purposes under this by-law and the laws of the Commonwealth.

17. By amending Subsection (f) of Section 10, as amended, by deleting "Town Meeting" and "Approval" so that it reads "subject to appropriation."

18. By striking out the first two sentences of Subsection (a) of Section 12 and by inserting the following two sentences: The Personnel Board shall, after consultation with the Town Administrator, prepare annually, and submit to the Annual Town Meeting for its consideration and action, a Compensation Plan pursuant to Section 108A of Chapter 41 of the General Laws, as amended. The Compensation Plan shall be administered by the Personnel Director, under the supervision and

direction of the Town Administrator, except as otherwise provided herein.

19. By adding at the end of Subsection (a) of Section 12 the following paragraph: If an article is inserted in the warrant for an Annual or Special Town Meeting by voter petition under Sections 10 and 12 of Chapter 39 of the General Laws, as amended, or under Section 12A of the Town Charter, as amended, which petition calls for amendments to either the Classification Plan or Compensation Plan, or both, a copy of such petition shall be furnished to the Personnel Board as soon as possible by the Town Administrator, together with any explanatory information he/she is able to provide. The Personnel Board shall report to said Town Meeting that the proposal in such petition "ought to be adopted", or "ought to be adopted with an amendment or amendments" specified by the Board, or "ought to be referred for further study and a report to the next ensuing Annual Town Meeting", or "ought to be rejected".

20. By amending the Classification and Standard Rates of Compensation voted by the 1990 Annual Town Meeting incorporated by reference into the Consolidated Personnel By-Law, by striking out, in Schedule A, the class title "Executive Secretary, Selectmen" and the Grade "S-22".
21. By striking the third paragraph of Subsection (c) of Section 12.

22. By amending the second paragraph of Subsection (m) of Section 12 by striking the sentence: "Payment for all approved overtime must be approved in advance by the Personnel Board."

23. By amending Subsection (d) of Section 20 by striking the following sentence: "All requests for military leave of more than one day must have prior approval of the Personnel Board."

24. By amending the second paragraph of Subsection (c) of Section 23 by striking the following sentence: "No payment of non-occupational sick leave may be made without prior approval of the Personnel Board."

25. By amending Subsection (e) of Section 23 by striking the last sentence and inserting in place thereof the following: "If the cause of sick leave is not substantiated to the satisfaction of the Appointing Authority, the absence will not be paid as non-occupational sick leave."

26. By amending Section 27 by striking the words "the Annual" at the end of the first line and inserting in place thereof the word "any", and by striking the phrase "and shall report out no recommendation to a special Town Meeting other than a recommendation authorized by the provisions of Section 10, paragraph (b) of this by-law concerning emergency classifications, or those that shall be made clearly imperative by a specific provision of Massachusetts law." and inserting a "." after the word "by-law".

A motion to amend was offered by Mrs. Marcia M. Carleton that the Town amend Article 3, Section 1 under the definition of Town Administrator by deleting the words "Section 1" and inserting in place thereof the words "Section 2".

Mrs. Carleton's motion to amend was presented and carried unanimously by voice vote.

ACTION: The main motion, as amended, was presented and carried unanimously by voice vote.

VOTED: That the Town amend its Consolidated Personnel By-Law (General By-Laws, Article IX), 1990 Compilation, as most recently amended, by further amending the same as follows:

1. By inserting after the definition of "Town", in Section 4, the two following definitions:

Town Administrator - The Town Administrator established by Section 2 of Article II of the General By-Laws, as amended.

Town Charter - The Needham Special Home Rule Charter Act (Acts of 1971, Chapter 403), as amended.

2. By striking out, in Section 4, the definition of "Classification Plan", and by inserting in place thereof the following definition:

Classification Plan - The classification plan established by Section 11 of the by-law, and by votes of the Town Meeting in relation thereto, under authority of Sections 108A and 108C of Chapter 41 of the General Laws, as amended.

3. By striking out, in Section 4, the definition of "Compensation Plan", and by inserting in place thereof the following definition:

Compensation Plan - The compensation plan established by Section 12 of this by-law and by votes of the Town Meeting in relation thereto, under authority of Sections 108A and 108C of Chapter 41 of the General Laws, as amended.

4. By amending the definition of "Compensatory Time", in Section 4, by inserting after the words "division head", the words "and subject to the approval of the Town Administrator".

5. By striking out, in Section 4, the definition of "Consolidated Personnel By-Law", and inserting in place thereof the following definition;

Consolidated Personnel By-Law - Article IX of the General By-Laws of the Town of Needham, as amended.

6. By striking out, in Section 4, the definition of "Personnel Director", and by inserting in place thereof the following definition:

Personnel Director - An appointee of the selection committee as described in this by-law, Section 6, Personnel Director.

7. By striking out Clause (ii) of Subsection (c) of Section 5 and by inserting in place thereof the following clause:

(ii) By-Law Administration. The Board may issue, amend or repeal administrative orders, procedural rules, and regulations for the purpose of implementing powers and duties vested in it by this by-law and by votes of the Town Meeting pertaining to Town personnel matters. It shall monitor the administration of those aspects of this by-law vested in the Town Administrator and shall make such recommendations to the Town Meeting in respect thereto as said Board deems necessary, proper and prudent, to maintain the integrity of the operation and policies of this by-law. All employees and elected officers shall comply with and assist in furnishing records, reports and other information requested by said Board.

8. By amending Clause (iii) of Subsection (c) of Section 5 as follows:

(a) By striking out the words "under its jurisdiction" in the third line of the first paragraph, and inserting in place thereof the words "subject to this by-Law"; and (b) by striking out the second paragraph.

9. By striking out, in Subsection (c) of Section 5, Clause (iv) and renumbering existing Clause (v) to be Clause (iv).

10. By inserting after Section 5 the following new Section:

Section 5A. Duties of Town Administrator

(a) The Town Administrator shall be responsible for the administration of the Consolidated Personnel By-Law, except as to such powers and duties as are expressly assigned thereby to the Personnel Board.

With the approval of the Board of Selectmen, the Town Administrator shall delegate to the Personnel Director and Department such powers and duties as the Town Administrator deems appropriate for the expeditious and efficient management of Town personnel matters. Such delegation shall be by means of a written instrument, approved by the Selectmen, which spells out clearly the powers and duties delegated to the Personnel Director; and a copy of such instrument shall be filed promptly with the Personnel Board.

(b) The Town Administrator shall be responsible for the implementation of the Classification and Compensation Plans, subject to such rules and regulations relative thereto as the Personnel Board may from time to time adopt, amend or repeal.

(c) The Town Administrator shall:

(i) Ensure that the Town maintains an effective personnel system by monitoring the effectiveness of policies, procedures and practices as required by law, in accordance with proper personnel practices.

(ii) Ensure that the recruitment, selection, promotion, transfer, discipline and removal of employees are conducted in accordance with applicable state and federal laws, and with Town by-laws and policies adopted pursuant to the same.

(iii) Oversee administration of an affirmative action program for all departments and positions subject to the provisions of this by-law, to ensure that the town acts affirmatively in providing maximum opportunities to all persons regardless of sex, color, creed, race, or national origin for entry level and promotional positions, and provide equal treatment in all aspects of personnel administration.

(iv) Take care to see that the rights of honorably discharged vertrans of the armed forces of the United States shall be observed in the hiring, promotion, layoff or other discharge of employees under this by-law, insofar as such rights are prescribed by state and federal law.

(v) Administer employee benefits programs for (a) Town personnel subject to this by-law and (b) such other Town personnel as may be placed under his/her jurisdiction for these purposes by department not subject to this by-law.

(vi) Establish and maintain a centralized personnel record keeping system as may be required by law and/or personnel management practice, for the effective administration of Town personnel and for the purpose of the Personnel Board, provided that the Town Administrator shall consult from time to time with that Board in respect to said system and in respect to the information required by said Board for its purposes.

(vii) Provide such advice, assistance and information to the Personnel Board as it may require for the discharge of its functions under this by-law.

(viii) Provide advice and assistance to department heads, supervisory personnel, and employees, on all aspects of personnel administration.

(ix) Develop in-service training programs for Town personnel, to improve the quality and effectiveness of their job performance.

(d) When so required by a formal vote or regulation of the Board of Selectmen, the Town Administrator shall perform such duties in respect to labor relations, collective bargaining, and the enforcement of collective bargaining agreements under Chapter 150E of the General Laws as the Selectmen determine.

(e) The Town Administrator shall file promptly with the Personnel Board copies of any rule or regulation adopted under Subsection (c) and of any order or regulation adopted under Subsection (d), and of any amendment or repeal thereof.

11. By striking out Section 6 and by inserting in place thereof the following section:

Section 6. Personnel Director

(a) A selection committee comprised of two members of the Board of Selectmen, two members of the Personnel Board, and the Town Administrator may appoint a Personnel Director. Any persons so appointed to the office of Personnel Director shall be qualified by reasons of experience in personnel administration and knowledge of the state and federal laws governing municipal personnel administration in the Commonwealth. The minimum qualifications for appointment to said office shall be set forth in an official job description or position description developed jointly by the Board of Selectmen, Town Administrator, and Personnel Board.

(b) The Personnel Director shall manage the daily operations of the Personnel Department, under the supervision and direction of the Town Administrator.

(c) The Personnel Board may, by formal vote or regulation, delegate any of its powers, duties and responsibilities to the Personnel Director. Said Board shall file a copy of such vote or regulation with the Personnel Director and the Town Administrator.

12. By adding at the end of Paragraph (a) of Section 10 the following sentence: Such appointing authority shall promptly forward a copy of such notice to the Town Administrator.

13. By inserting after the first sentence of Paragraph (b) of Section 10 the following new sentence: If the aforesaid appointing authority is a department, board, committee or agency serving under the Board of Selectmen, such authority may not make such an emergency appointment without first obtaining the approval of the Town Administrator or his/her designated agent.

14. By striking out the second sentence of Clause (c)(i) of Section 10 and inserting in place thereof the following sentence: The examining physician shall advise the Personnel Department, in such form as the Personnel Board may require, whether or not the person is mentally and physically capable of performing the duties of the position.

15. By striking out the first sentence of Section 11 and by inserting in place thereof the following sentences: The Personnel Board shall formulate annually and submit to the Annual Town Meeting for its approval a schedule setting forth the classes of positions, by job title, in the Town service, which are subject to the provisions of this by-law, such schedule to be incorporated with the Compensation Plan submitted under the provisions of Subsection (a) of Section 12. Said schedule of classes of positions, as approved by the Annual Town Meeting, and the provisions of this Section, shall constitute the Classification Plan

authorized by Section 108A of Chapter 41 of the General Laws, as amended.

16. By inserting after the first sentence of Subsection (b) of Section 11 the following sentence: Said Board shall provide copies of such official written descriptions to the Town Administrator and to the Town Clerk for their respective purposes under this by-law and the laws of the Commonwealth.

17. By amending Subsection (f) of Section 10, as amended, by deleting "Town Meeting" and "Approval" so that it reads "subject to appropriation."

18. By striking out the first two sentences of Subsection (a) of Section 12 and by inserting the following two sentences: The Personnel Board shall, after consultation with the Town Administrator, prepare annually, and submit to the Annual Town Meeting for its consideration and action, a Compensation Plan pursuant to Section 108A of Chapter 41 of the General Laws, as amended. The Compensation Plan shall be administered by the Personnel Director, under the supervision and direction of the Town Administrator, except as otherwise provided herein.

19. By adding at the end of Subsection (a) of Section 12 the following paragraph: If an article is inserted in the warrant for an Annual or Special Town Meeting by voter petition under Sections 10 and 12 of Chapter 39 of the General Laws, as amended, or under Section 12A of the Town Charter, as amended, which petition calls for amendments to either the Classification Plan or Compensation Plan, or both, a copy of such petition shall be furnished to the Personnel Board as soon as possible by the Town Administrator, together with any explanatory information he/she is able to provide. The Personnel Board shall report to said Town Meeting that the proposal in such petition "ought to be adopted", or "ought to be adopted with an amendment or amendments" specified by the Board, or "ought to be referred for further study and a report to the next ensuing Annual Town Meeting", or "ought to be rejected".

20. By amending the Classification and Standard Rates of Compensation voted by the 1990 Annual Town Meeting incorporated by reference into the Consolidated Personnel By-Law, by striking out, in Schedule A, the class title "Executive Secretary, Selectmen" and the Grade "S-22".

21. By striking the third paragraph of Subsection (c) of Section 12.

22. By amending the second paragraph of Subsection (m) of Section 12 by striking the sentence: "Payment for all approved overtime must be approved in advance by the Personnel Board."

23. By amending Subsection (d) of Section 20 by striking the following sentence: "All requests for military leave of more than one day must have prior approval of the Personnel Board."

24. By amending the second paragraph of Subsection (c) of Section 23 by striking the following sentence: "No payment of non-occupational sick leave may be made without prior approval of the Personnel Board."

25. By amending Subsection (e) of Section 23 by striking the last sentence and inserting in place thereof the following: "If the cause of sick leave is not substantiated to the satisfaction of the Appointing Authority, the absence will not be paid as non-occupational sick leave."

26. By amending Section 27 by striking the words "the Annual" at the end of the first line and inserting in place thereof the word "any", and by striking the phrase "and shall report out no recommendation to a special Town Meeting other than a recommendation authorized by the provisions of Section 10, paragraph (b) of this by-law concerning emergency classifications, or those that shall be made clearly imperative by a specific provision of Massachusetts law." and inserting a "." after the word "by-law".

ARTICLE 4

To see if the Town will vote to amend its General By-Laws, Article 1, as follows:

1. By adding a Section 9 as follows:

(A) This section is enacted in the exercise by the Town Meeting of its authority under Section 15 of Chapter 39 of the General Laws, as from time to time amended, and in the exercise of its customary and traditional liberties under Section 1 of the Municipal Home Rule Amendment to the State Constitution (Amendment Article 11, as revised and Amendment Article LXXIX), to established its owns rules of Town Meeting procedure.

(B) As used herein, the term "employer" shall mean the Board of Selectmen or such other town officer or board as they may from time to time designate to undertake the negotiation of collective bargaining agreements on behalf of the Town, acting pursuant to Chapter 150E of the General Laws, as from time to time amended.

(C) When a collective bargaining agreement has been signed by the employer with any organization of town employees under said Chapter 150E, the employer shall promptly provide to the Personnel Board and to the Finance Committee (1) a copy of said agreement, (2) a copy of the motion to be presented to the Town Meeting proposing an appropriation or appropriations to fund the cost items of said agreement (as defined in said Chapter 150E, and (3) any explanatory or other information relevant to said agreement which said Board or Committee may request. Said Board and said Committee shall report their respective recommendations to the Town Meeting as to whether or not the motion to appropriate for the funding of cost items in the collective bargaining agreement ought to be adopted.

(D) The motion to be presented to the Town Meeting under paragraph (C) above shall be offered in such standard form as determined by the Finance Committee after consultation with the Board of Selectmen and the Personnel Board. Said motion shall identify clearly the collective bargaining agreement to be funded and the amount or amounts to be appropriated in such a way that Town Meeting members will know what agreement is to be funded, how it is to be funded, and what is the grand total of the cost items to be funded in relation to said agreement. Prior to consideration by the Town Meeting of any motion to fund the cost items of a collective bargaining agreement, the employer shall provide Town Meeting members with a fair and concise summary of said agreements, and information as to the amount of the appropriation or appropriations being requested to fund the same.

(E) A motion to fund the cost items of a collective bargaining agreement, once introduced upon the floor of Town Meeting, shall be amendable only upon a motion to amend offered by or on behalf of the employer or the Finance Committee for the purpose of correcting an error. No other motion to amend shall be admissible. The motion to fund, so corrected if necessary, shall be voted or rejected by the Town Meeting. No motion in relation to a collective bargaining agreement will be admissible which the Moderator, after consultation with Town Counsel, determines to be in contravention of Chapter 150E of the Massachusetts General Laws.

(F) The Personnel Board and the Finance Committee shall have legislative oversight to monitor the collective bargaining process on a continuing or intermittent basis, and to make recommendations relative thereto to the employer from time to

time; provided, however, that such monitoring does not infringe upon the powers and actions reserved to the employer under Chapter 150E of the General Laws. The Personnel Board shall provide such information and assistance to the employer as the latter may request in relation to collective bargaining;

or take any other action relative thereto.

MOVED: That the Town amend its General By-Laws, Article 1 as follows:

1. By adding a Section 9 as follows:

(A) This section is enacted in the exercise by the Town Meeting of its authority under Section 15 of Chapter 39 of the General Laws, as from time to time amended, and in the exercise of its customary and traditional liberties under Section 1 of the Municipal Home Rule Amendment to the State Constitution (Amendment Article 11, as revised and Amendment Article LXXIX), to established its owns rules of Town Meeting procedure.

(B) As used herein, the term "employer" shall mean the Board of Selectmen or such other town officer or board as they may from time to time designate to undertake the negotiation of collective bargaining agreements on behalf of the Town, acting pursuant to Chapter 150E of the General Laws, as from time to time amended.

(C) When a collective bargaining agreement has been signed by the employer with any organization of town employees under said Chapter 150E, the employer shall promptly provide to the Personnel Board and to the Finance Committee (1) a copy of said agreement, (2) a copy of the motion to be presented to the Town Meeting proposing an appropriation or appropriations to fund the cost items of said agreement (as defined in said Chapter 150E, and (3) any explanatory or other information relevant to said agreement which said Board or Committee may request. Said Board and said Committee shall report their respective recommendations to the Town Meeting as to whether or not the motion to appropriate for the funding of cost items in the collective bargaining agreement ought to be adopted.

(D) The motion to be presented to the Town Meeting under paragraph (C) above shall be offered in such standard form as determined by the Finance Committee after consultation with the Board of Selectmen and the Personnel Board. Said motion shall identify clearly the collective bargaining agreement to be funded and the amount or amounts to be appropriated in such a way that Town Meeting members will know what agreement is to be funded, how it is to be funded, and what is the grand total of the cost items to be funded in relation to said agreement. Prior to consideration by the Town Meeting of any motion to fund the cost items of a collective bargaining agreement, the employer shall provide Town Meeting members with a fair and concise summary of said agreements, and information as to the amount of the appropriation or appropriations being requested to fund the same.

(E) A motion to fund the cost items of a collective bargaining agreement, once introduced upon the floor of Town Meeting, shall be amendable only upon a motion to amend offered by or on behalf of the employer or the Finance Committee for the purpose of correcting an error. No other motion to amend shall be admissible. The motion to fund, so corrected if necessary, shall be voted or rejected by the Town Meeting. No motion in relation to a collective bargaining agreement will be admissible which the Moderator, after consultation with Town Counsel, determines to be in contravention of Chapter 150E of the Massachusetts General Laws.

(F) The Personnel Board and the Finance Committee shall have legislative oversight to monitor the collective bargaining process on a continuing or intermittent basis, and to make recommendations relative thereto to the employer from time to time; provided, however, that such monitoring does not infringe upon the powers and actions reserved to the employer under Chapter 150E of the General Laws. The Personnel Board shall provide such information and assistance to the employer as the latter may request in relation to collective bargaining.

ACTION: The main motion was presented and carried unanimously by voice vote.

ARTICLE 5

To see if the Town will vote to amend the Consolidated Personnel By-Law, Section IX of the General By-Laws of the Town of Needham, by striking Section 27 and inserting in place thereof the following;

"The Personnel Board shall make those recommendations to any Town Meeting as it deems proper and necessary for the amendment of this By-Law";

or take any other action relative thereto.

MOVED: That the Town amend the Consolidated Personnel By-Law, Section IX of the General By-Laws of the Town of Needham, by striking Section 27 and inserting in place thereof the following:

"The Personnel Board shall make those recommendations to any Town Meeting as it deems proper and necessary for the amendment of this By-Law."

A motion was offered by Mr. Gary Uhl that the main motion under Article 5 be referred to the Personnel Board for indefinite study.

Mr. Uhl's motion was presented and carried unanimously by voice vote.

ARTICLE 6

To see if the Town will vote to correct the "S" Schedule of the Classification and Standard Rates of Compensation Schedule, July, 1990 Compilation, by deleting "$17,602" after Grade 7, Step 4, and inserting in place thereof "$17,382", and by deleting "$26,069" after Grade 10 Maximum and inserting in place thereof "$26,103".; or take any other action relative thereto.

MOVED: That the Town correct the "S" Schedule of the Classification and Standard Rates of Compensation Schedule, July, 1990 Compilation, by deleting "$17,602" after Grade 7, Step 4, and inserting in place thereof "$17,382", and by deleting "$26,069" after Grade 10 Maximum and inserting in place thereof "$26,103".

ACTION: The main motion was presented and carried unanimously by voice vote.

ARTICLE 7

To see if the Town will vote to fix the compensation of the following elected officers of the Town as of January 1, 1991, as required by the General Laws, Chapter 41, Section 108, and as recommended by the Personnel Board and subject to the longevity provisions of paragraph (k) Section 12 of the Consolidated Personnel By-Law:

Town Clerk	$42,000.	
Selectman, Chairman		1,800.
Selectman, Others	1,500.	
Assessor, Chairman	1,800.	
Assessor, Others	1,500.;	

or take any other action relative thereto.

MOVED: That the Town fix the compensation of the following elected officers of the Town as of January 1, 1991, as required by the General Laws, Chapter 41, Section 108, and as recommended by the Personnel Board and subject to the longevity provisions of paragraph (k) Section 12 of the Consolidated Personnel By-Law:

Town Clerk	$42,000.
Selectman, Chairman	1,800.
Selectman, Others	1,500.
Assessor, Chairman	1,800.
Assessor, Others	1,500.

A motion was offered by Mr. Gary Uhl that the subject matter in Articles seven (7) and eight (8) be discussed together but voted on separately.

Mr. Uhl's motion was presented and carried unanimously by voice vote.

A motion to amend Article 7 was offered by Mr. Neil O. Alper to strike the words "January 1, 1991" and insert in place thereof the words "July 1, 1990" and to strike the Town Clerk's salary of "$42,000." and insert in place thereof the salary of "$41,000.".

In response to several inquiries, Mr. Gary Uhl, member of the Personnel Board, and Mr. Paul Theodore Owens, Chairman of the Finance Committee, advised that their respective boards both support the motions under Article 7 and 8.

After a brief discussion, Mr. Lee B. Manning moved the previous question. The motion was presented and carried by voice vote.

Mr. Neil Alper's motion to amend was presented, but the Moderator was in doubt as to the voice vote. The motion was again presented, but it failed to pass by voice vote. At least seven Town Meeting Members rose to question the vote. The motion was again presented and carried by a count of hands. It was Yes 124 - No 56.

ACTION: The main motion, as amended, was presented and carried by voice vote.

VOTED: That the Town fix the compensation of the following elected officers of the Town as of January 1, 1991, as required by the General Laws, Chapter 41, Section 108, and as recommended by the Personnel Board and subject to the longevity provisions of paragraph (k) Section 12 of the Consolidated Personnel By-Law:

Town Clerk	$41,000.
Selectman, Chairman	1,800.
Selectman, Others	1,500.
Assessor, Chairman	1,800.
Assessor, Others	1,500.

ARTICLE 8

To see if the Town will vote to amend the Classification and Standard Rates of Compensation Schedule in its entirety and substitute in place thereof a new Classification and Standard Rates of Compensation Schedule.;

or take any other action relative thereto.

MOVED: That the Town amend the Classification and Standard Rates of Compensation Schedule in its entirety and substitute in place thereof a new Classification and Standard Rates of Compensation Schedule.

A motion was offered by Mr. Howard B. Bacon to refer the subject matter of Article 8 to the Personnel Board to determine a rate of 2 1/2 % increase retroactive to July 1, 1990 and bring back to this Special Town Meeting on Monday, November 19, 1990.

A motion was offered by Mr. Peter B. Johnson to lay the subject matter of Article 8 and the motion to amend on the table. The motion was presented and carried by voice vote.

ARTICLE 9

To see if the Town will vote to accept the provisions of M.G.L. Chapter 44, Section 53D.; or take any other action relative thereto.

SUMMARY

Acceptance of M.G.L. Chapter 44, Section 53D would provide the establishment in the Town Treasury a revolving fund which shall be kept separate and apart from all other monies by the Treasurer and, in which, shall be deposited the receipts received in connection with the conduct of self supporting recreation and park services of the Town of Needham. The funds in said revolving fund shall not be used to employ or pay the salary of any employee or be used for the purpose of equipment; provided further that the said revolving fund shall not exceed the sum of ten thousand dollars and any amount in excess of five thousand dollars shall be paid into the city or town treasury as provided in Section Fifty-Three.

MOVED: That the Town accept the provisions of Massachusetts General Laws, Chapter 44, Section 53D.

Mr. Paul Theodore Owens, Chairman,, advised that the Finance Committee is unanimously in favor of this proposal.

ACTION: The main motion was presented and carried unanimously by voice vote.

At 11:15 P.M. Mr. Lee B. Manning moved that the meeting stand adjourned until Monday, November 19, 1990, at 7:30 P.M. at the Newman Middle School and it was so voted.

Theodora K. Eaton, CMC
Town Clerk

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ADJOURNED SPECIAL TOWN MEETING

November 19, 1990

Pursuant to adjournment of the Special Town Meeting held November 14, 1990, the Inhabitants of the Town of Needham qualified to vote in Town Affairs met in the Newman Middle School on Monday, November 19, 1990, at 7:30 P.M.

Check lists were used and 210 voters were checked on the list as being present, including 189 Town Meeting Members.

The Moderator, in the absence of a member of the Needham Clergy Association, gave the invocation.

The Moderator declared a quorum to be present and requested the Town Clerk to so record.

ARTICLE 8

To see if the Town will vote to amend the Classification and Standard Rates of Compensation Schedule in its entirety and substitute in place thereof a new Classification and Standard Rates of Compensation Schedule; or take any other action relative thereto.

NOTE: All revisions to the Classification and Standard Rates of Compensation Schedule will be provided to Town Meeting Members as early as possible before November 14, 1990.

MOVED: That the Town amend the Classification and Standard Rates of Compensation Schedule in its entirety and substitute in place thereof a new Classification and Standard Rates of Compensation.

A motion to amend was offered by Mr. Charles W. Wyckoff that the main motion under Article 8 be amended by striking "Effective January 1, 1991" on the title page and all further references and by inserting in place thereof "Effective December 30, 1990".

A motion was offered by Mr. Gary Uhl that the subject matter in Articles Eight (8) and Ten (10) be discussed together but voted separately. The motion was presented and carried by voice vote.

Mr. H. Phillip Garrity, Jr., Selectman, addressed this proposal on behalf of the Board of Selectmen. He advised that the Board of Selectmen have bargained in good faith during the past year taking into consideration the intent of the 1990 Annual Town Meeting to limit salary increases to no more than 2 1/2% for the fiscal year. He explained that the Finance Committee and the Personnel Board fully support this recommendation.

Mr. Gary Uhl, member of the Personnel Board, reiterated the Board's recommendation to approve the original proposal presented under Article 8. He advised that Mr. Wyckoff's amendment is merely a technical change. He also noted that other bargaining units agreed on a two-year contract with an effective yearly increase of 4.15%. Mr. Uhl suggested that Town Meeting Members place their trust in the Personnel Board.

Mr. Paul Theodore Owens, Chairman, Finance Committee, advised that a 5% increase effective December 30, 1990 with a zero increase for Fiscal Year 1992 allows the town to keep its cash a little longer and settles the salary costs now. A 2 1/2% increase twice instead of the 5% is actually a 5.06% increase. The Finance Committee supports the salary recommendation of the Personnel Board and Board of Selectmen.

A motion to amend was offered by Mr. Neil O. Alper by substituting the proposed Schedule B1 and the proposed Schedule C that indicates a 2 1/2% general wage increase effective July 1, 1990 and that the retroactive compensation schedule apply only to employees currently on the payroll effective December 1, 1990.

After a brief discussion, a motion to move the previous question was offered by Mr. Arthur M. Tiernan, Jr. The motion was presented and carried by voice vote.

Mr. Wyckoff's motion to amend was presented and carried unanimously by voice vote.

Mr. Alper's motion to amend was presented, but it failed to pass by voice vote.

ACTION: The main motion, as amended, was presented and carried by voice vote.

VOTED: That the Town amend the Classification and Standard Rates of Compensation Schedule in its entirety and substitute in place thereof a new Classification and Standard Rates of Compensation.

FISCAL YEAR 1991
SCHEDULE A
Effective December 30. 1990

Alphabetical listing of Full-time, Part-time (PT) and Seasonal (S) position classifications with compensation grades and schedules: *

CLASS TITLE	GRADE/ SCHEDULE
Activity Instructor (PT)	Schedule C
Administrative Assessor	S-17
Administrative Assistant+	S-9
Administrative Assistant, Fire Dept.+	S-15
Administrative Coordinator+	S-10
Administrative Specialist	S-10
Animal Control Officer	S-11
Animal Inspector (PT)	Schedule C
Assistant Administrative Assessor+	S-14
Assistant Cataloger	S-9
Assistant Children's Librarian	S-9
Assistant, Council On Aging (PT)	Schedule C
Assistant Director, Park and Recreation+	S-12
Assistant Director of Public Library	S-15
Assistant Superintendent, Fire Alarm	FA-2
Assistant Town Clerk+	S-10
Associate Director, Council On Aging+	S-12
Building Inspector, Substitute (PT)	Schedule C
Canvasser (PT)	Schedule C
Caseworker+	S-13
Cataloger	S-13
Children's Librarian	S-13
Circulation Supervisor	S-10
Clerk, Council On Aging(PT)	Schedule C
Code Enforcement Officer (PT)	Schedule C
Committee Secretary, Board of Appeals (PT)	Schedule C
Computer Operator+	S-9
Computer Operator/Data Entry+	S-9
Conservation Officer (PT)	Schedule C
Control Clerk+	S-9
Council On Aging, Executive Director	S-17
Department Assistant 3+	S-8
Department Assistant 2+	S-7
Department Assistant 1+	S-6
Department Specialist+	S-9
Deputy Fire Chief [10]	F-4
Deputy Fire Chief, Operations	F-4
Director, Management Information Services	S-18
Director of Civil Defense	Schedule C
Director of Finance	S-22
Director of Parks & Recreation	S-17
Director of Public Health	S-18
Director of Public Library	S-18
Director of Public Works [8]	S-23
Director of Veteran's Services (PT)	Schedule C
Director of Youth Services	S-17
Division Superintendent, Highway [1]	S-17

Division Superintendent, Parks [1]	S-17
Division Superintendent, Sewer [1]	S-17
Division Superintendent, Water [1]	S-17
Draftsman	S-9
Equipment Mechanic	W-6
Equipment Welder	W-6
Executive Secretary, Selectmen	S-22
Finance Committee, Executive Secretary (PT)	Schedule C
Fire Captain [10]	F-3
Fire Chief	S-22
Firefighter [5] [10] [13]	F-1
Fire Lieutenant [10]	F-2
Garage and Equipment Supervisor	S-15
Garage Mechanic	W-4
General Foreman	S-14
Heavy Motor Equipment Operator	W-4
Inspector of Buildings	S-18
Inspector of Plumbing	S-14
Inspector of Wires	S-14
Junior Building Custodian [6]+	S-5
Junior Building Custodian (PT)	Schedule C
Laborer	W-1
Library Assistant 1	S-6
Library Assistant 1 (PT)	Schedule C
Library Assistant 2	S-7
Library Assistant 2 (PT)	Schedule C
Library Page (PT)	Schedule C
Lineman	FA-1
Maintenance Man	W-3
Maintenance Worker/Custodian, Police	S-9
Master Mechanic	W-8
Meter Repairman	W-4
Minibus Coordinator	Schedule C
Motor Equipment Operator	W-2
Nutritionist+	S-14
Outreach Worker, Council on Aging+	S-10
Parking Enforcement Attendant (PT)	Schedule C
Patrolman [3] [6] [7] [9] [10] [14]	P-2
Personnel Director	S-17
Planning Director	S-18
Plumbing and Gas Inspector Substitute (PT)	Schedule C
Police Chief	S-22
Police Lieutenant [6] [10] [11]	P-4
Police Matron (PT)	Schedule C
Police Sergeant [3] [4] [6] [7] [9] [10]	P-3
Program Coordinator, Council on Aging (PT)	Schedule C
Programmer/Computer Operator+	S-10
Public Health Nurse+	S-14
Public Health Nurse (PT)+	S-14
Public Works Craftsman	W-4
Public Works Dispatcher	W-4
Public Works Inspector	S-13
Public Works Specialist	W-5
Pumping Station Operator	W-4
Recording Secretary	Schedule C
Recreation Specialist 1	Schedule C
Recreation Specialist 2	Schedule C
Recreation Specialist 3	Schedule C
Recreation Specialist 4	Schedule C
Recreation Specialist 5	Schedule C
Reference Librarian	S-12
Reference Librarian (PT)	Schedule C
Reference Supervisor	S-14
Registrar of Voters (PT)	Schedule C
Sanitarian+	S-15
Sanitarian Substitute (PT)	Schedule C
Sealer of Weights & Measurers (PT)	Schedule C
Seasonal Packer/Drivers (PT)	Schedule C
Senior Administrative Coordinator+	S-11
Senior Building Custodian+	S-9
Senior Draftsman [2] [12]	S-12
Senior Engineer [2] [12]	S-14
Senior Systems Analyst+	S-16
Shovel Operator	W-6
Student Draftsman and Rodman (PT)	Schedule C
Survey Party Chief	S-12
Systems Analyst+	S-13
Temporary Laborer (PT)	Schedule C
Temporary Janitor (PT)	Schedule C
Town Comptroller	S-18
Town Counsel (PT)	Schedule C
Town Engineer [1]	S-19
Town Treasurer and Tax Collector	S-18
Traffic Supervisor (PT)	Schedule C
Tree Climber	W-4
Water Meter Reader	W-3
Wiring Inspector Substitute (PT)	Schedule C
Working Foreman [15]	W-6
Young Adult Librarian	S-12
Youth Services Counselor+	S-11

* Compensation levels for collective bargaining titles are set by contract. Grades as listed are not intended to set compensation rates for bargaining unit employees and should not be considered as such.

\+ Denotes "S Schedule" titles included in the Town Hall Association.

SCHEDULE A FOOTNOTES

Additional Compensation for Specific Assignments

(1) Additional $100.00 per month when assigned to and performing the duties of Assistant Director of Public Works.

(2) Additional $100.00 per month when assigned to and performing the duties of Office Manager as designated by the Director of Public Works.

(3) Additional $1,200.00 per year when assigned to and performing the duties of Detective as designated by the Police Chief.

(4) Additional $40.00 per month when assigned to and performing the duties of Patrol Supervisor as designated by the Police Chief.

(5) Additional $100.00 per month when assigned to and performing the duties of Equipment Mechanic as designated by the Fire Chief.

(6) Additional 6% of base salary when assigned permanently to the night shifts as designated by the Police Chief, or approval by the Personnel Board.

(7) Additional $50.00 per month when assigned to and performing the duties of a Specialist - Youth Officer as designated by the Police Chief.

(8) Said Director shall by the Superintendent of Public Works within the meaning of Section 20 to 30, inclusive of the Needham Special Home Rule Charter Act (Acts of 1971, c. 403), and shall be appointed in the manner and shall exercise the powers and duties of such Superintendent, specified in said act.

(9) Additional $1,200.00 per year when assigned to and performing the duties of Principal Prosecuting Officer as designated by the Police Chief.

(10) The following additional amounts when certified and acting as Emergency Medical Technician: Patrolman, Police Sergeant - .0335 of base rate per year. Firefighter, Fire Lieutenant, Fire Captain, Deputy Fire Chief - .035 of base rate per year.

(11) Additional $2,200.00 per year when assigned to and performing the duties of Executive Officer as designated by the Police Chief.

(12) Additional $100.000 per month when assigned to and performing the duties of Assistant Town Engineer as designated by Director of Public Works.

(13) Additional $100.00 per month when assigned to and performing the duties of Fire Inspector as designated by the Fire Chief.

(14) Additional $50.00 per month when assigned to and performing the duties of Safety Officer as designated by the Police Chief.

(15) Additional $75.00 per month when assigned to and performing the duties of Deputy Tree Warden.

(16) Additional $600.00 per year when assigned to and performing the duties of Workman's Compensation Agent.

(17) Additional $1,500.00 per year when assigned to and performing the duties of Assistant Parking Clerk.

SCHEDULE B1
GENERAL SALARY SCHEDULE
Effective December 30, 1990

GRADE	MINIMUM	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	MAXIMUM
S-23	$52,694.	$54,592.	$56,556.	$58,592.	$60,702.	$62,887.	$65,151.	$67,495.	$69,925.
S-22	$49,454.	$51,236.	$53,079.	$54,990.	$56,970.	$59.021.	$61,145.	$63,347.	$65,627.
S-21	$46,440.	$48,113.	$49,846.	$51,639.	$53,499.	$55,425.	$57,419.	$59,487.	$61,629.
S-20	$43,429.	$44,991.	$46,611.	$48,290.	$50,028.	$51,830.	$53,695.	$55,628.	$57,631.
S-19	$40,587.	$42,048.	$43,562.	$45,129.	$46,753.	$48,437.	$50,181.	$51,988.	$53,860.
S-18	$36.598.	$37,916.	$39,279.	$40,695.	$42,159.	$43,678.	$45,248.	$46,877.	$48,567.
S-17	$34.182.	$35,414.	$36,689.	$38,010.	$39,378.	$40,795.	$42,264.	$43,785.	$45,361.
S-16	$31,934.	$33,082.	$34,273.	$35,508.	$36,786.	$38,111.	$39,482.	$40,905.	$42,376.
S-15	$29,574.	$30,639.	$31,743.	$32,884.	$34,067.	$35,295.	$36,564.	$37,881.	$39,245.
S-14	$27,380.	$28,365.	$29,386.	$30,444.	$31,539.	$32,675.	$33,852.	$35,071.	$36,333.
S-13	$25,350.	$26,262.	$27,207.	$28,185.	$29,201.	$30,253.	$31,341.	$32,470.	$33,640.
S-12	$23,483.	$24,330.	$25,205.	$26,112.	$27,052.	$28,027.	$29,035.	$30,079.	$31,163.
S-11	$21,729.	$22,510.	$23,321.	$24,161.	$25,030.	$25,931.	$26,863.	$27,831.	$28,833.
S-10	$20,656.	$21,397.	$22,169.	$22,968.	$23,794.	$24,651.	$25,538.	$26,457.	$27,372.
S-9	$19,167.	$19,859.	$20,573.	$21,314.	$22,080.	$22,875.	$23,700.	$24,551.	$25,436.
S-8	$17,681.	$18,316.	$18,978.	$19,660.	$20,368.	$21,100.	$21,859.	$22,647.	$23,462.
S-7	$16,414.	$17,006.	$17,617.	$18,482.	$18,909.	$19,589.	$20,294.	$21,025.	$21,781.
S-6	$15,478.	$16,036.	$16,612.	$17,208.	$17,829.	$18,472.	$19,136.	$19,825.	$20,538.
S-5	$14,595.	$15,121.	$15,665.	$16,230.	$16,815.	$17,420.	$18,045.	$18,696.	$19,369.
S-4	$13,769.	$14,265.	$14,779.	$15,311.	$15,862.	$16,434.	$17,025.	$17,639.	$18,273.
S-3	$12,999.	$13,467.	$13,952.	$14,454.	$14,974.	$15,514.	$16,071.	$16,650.	$17,249.
S-2	$12,117.	$12,553.	$13,006.	$13,474.	$13,959.	$14,462.	$14,981.	$15,520.	$16,080.
S-1	$11,568.	$11,983.	$12,414.	$12,861.	$13,325.	$13,804.	$14,301.	$14,816.	$15,349.

Fiscal Year 1991
SCHEDULE C
Rates for Part-time and Seasonal Positions
(rates are hourly unless specifically noted)
Effective December 30, 1990

TITLE	RATE
#Activity Instructor	
(rates are per session)	
Group A	$4.00
Group B	$5.00
Group C	$7.00
Group D	$8.00
Group E	$10.00
Group F	$12.00
Group G	$15.00
Group H	$18.00
Group I	$21.00
Group J	$25.00
Animal Inspector (PT) (per annum)	$3,161.97
Assistant, Council on Aging	$8.99
#Building Inspector Substitute (PT)	
(per diem)	$41.00
(per inspection)	$12.00
Canvasser (PT)	$5.51
Clerk, Council on Aging (PT)	$8.99
Code Enforcement Officer (PT)	$12.84
Committee Secretary, Board of Appeals (PT)	$11.00
Conservation Officer (PT)	$12.84
#Director of Civil Defense (per annum)	$2,000.00
Director of Veterans' Services (PT) (per annum)	$26,046.57
Finance Committee Executive Secretary (PT)	
(per annum)	$11,912.51
Junior Building Custodian (PT)	$8.25
Library Assistant 1 (PT)	$6.77
Library Assistant 2 (PT)	$7.64
Library Page	
First Year	$4.86
Second Year	$5.16
Minibus Coordinator (PT) (per annum)	$11,912.51
Parking Enforcement Attendent (PT)	$7.50
#Plumbing & Gas Inspector Substitute (PT)	
(per diem)	$41.00
(per inspection)	$12.00
Police Matron (PT)	$11.88
(or minimum)	$30.00
Program Coordinator (PT)	$11.58
Recording Secretary	$11.16
Recreation Specialist 1	$5.50
Recreation Specialist 2	$6.25
Recreation Specialist 3	$6.75
Recreation Specialist 4	$7.50
Recreation Specialist 5	$9.26
Reference Librarian (PT)	$11.01
#Registrar of Voters (PT) (per annum)	$545.00
#Sanitarian Substitute (PT) (per diem)	$27.00

Sealer of Weights and Measures (PT) (per annum)	$7,287.53
Seasonal Packer/Driver (PT)	$7.88
Student Draftsman and Rodman (PT)	
(first year)	$8.37
(second year)	$8.74
(third year)	$9.05
(fourth year)	$9.40
(fifth year)	$9.72
Temporary Janitor (PT)	$5.25
Temporary Laborer	
(first year)	$5.57
(second year)	$5.97
(third year)	$6.37
(fourth year)	$6.77
(fifth year)	$7.25
Town Counsel (PT) (per annum)	$43,205.87
Traffic Supervisor	$11.88
#Wiring Inspector Substitute (PT)	
(per diem)	$41.00
(per inspection)	$12.00

Titles not included in general wage increases.

A motion to reconsider Article 7 was offered by Mr. Thomas N. Alpert.

A motion to amend under Article 7 was offered by Mr. Gary Uhl to strike the words "July 1, 1990" and insert in place thereof the words "December 30, 1990" and to strike the figure "$41,000." and insert in place thereof the figure "$42,000.".

Mr. Alpert's motion to reconsider was presented and carried by voice vote.

After a brief discussion, a motion to move the previous question was offered by Mr. Arthur M. Tiernan, Jr. The motion was presented and carried unanimously by voice vote.

Mr. Uhl's motion to amend was presented and carried unanimously by voice vote.

VOTED: That the Town fix the compensation of the following elected officers of the Town as of December 30, 1990, as required by the General Laws, Chapter 41, Section 108, and as recommended by the Personnel Board and subject to the longevity provisions of paragraph (k) Section 12 of the Consolidated Personnel By-Law:

Town Clerk	$42,000.
Selectman, Chairman	1,800.
Selectman, Others	1,500.
Assessor, Chairman	1,800.
Assessor, Others	1,500.

ARTICLE 10

To see if the Town will vote to amend and supercede certain parts of the 1991 Operating Budget, adopted under Article 36 at the 1990 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating new amounts for some of the line items, determine how such amounts are to be raised and how expended; or take any other action relative thereto.

MOVED: That the Town amend and supercede certain parts of the 1991 Operating Budget, adopted under Article 36 at the 1990 Annual Town Meeting by deleting the amounts of money appropriated under the following line items and appropriating new amounts for those line items.

Dept.	Line Item	Description	Changing To	Changing To
Selectmen	003	Expenses	$159,650.	$166,524.
Finance	044	Mat.Bonds	$1,071,000.	$1,064,126.
Education	058	Salaries	$16,122,000.	$16,012,000.
Education	072	Voc. Ed.	$453,794.	$442,781.
MWRA	180	Sewer	$1,907,135.	$1,756,659.
MWRA	181	Water	$52,876.	$49,954.
Reserve Fund	051		$687,666.	$622,437.

A motion to amend by adding the following was offered by Mrs. Marcia M. Carleton:

That the Town vote to appropriate the sum of $27,707. to fund the collective bargaining agreement entered into between the Town of Needham and the Needham Town Hall Associates.

A second motion to amend was offered by Mrs. Marcia M. Carleton by adding the following:

Dept.	Line Item	Changing From	Changing To
Selectmen	001	$174,091.	$178,443.
Town Clerk	015	$69,030.	$70,756.
Bd. of Registrars	019	$43,249.	$44,330.
Legal	023	$41.148.	$42,177.
Personnel	026	$66,821.	$68,492.
Assessors	029	$174,378.	$178,738
Finance	033	$498,023.	$510,473.
Finance Com.	049	$11,047.	$11,323.
Cont. Retirement	052	$36,588.	$37,503.
Police	073	$1,888,318.	$1,892,190.
Fire	088	$2,215,893.	$2,219,370.
Civil Defense	098	$2,000.	$2,000.
Building	101	$119,713.	$122,706.
Weights & Meas.	104	$6,941.	$7,115.
DPW, Adm.	106	$156,684.	$160,004.
DPW, Eng.	109	$232,530.	$238,343.
DPW, Gar.	111	$170,447.	$171,384.
DPW, High.	114	$515,273.	$516,353.
DPW, Parks	117	$396,912.	$398,864.
DPW, Sewer	120	$388,246.	$389,364.
DPW, Water	125	$378,798.	$380,803.
Bd. of Health	135	$181,349.	$185,883.
Veterans' Ser.	145	$37,214.	$38,144.
Youth Com.	148	$70,702.	$72,470.
Council on Aging	150	$58,450.	$59,873.
Planning Bd.	152	$65,736.	$67,379.
Cons. Com.	155	$5,775.	$5,919.
Bd. of Appeals	158	$4,869.	$4,991.
Library	161	$279,854.	$286,850.
Park & Rec.	172	$229,842.	$235,588.

said combined sums of $27,707. and $50,200. to be raised by transfer from the Reserve Fund.

A third motion to amend was offered by Mr. John W. Lebourveau to amend the following line items:

Dept.	Line Item	Description	Changing From	Changing To
Library	161	Salaries	$279,854.	$306,037.
Library	162	Pur. of Ser.	$51,800.	$59,800.
Library	163	Books/Per.	$0.	$25,000.
Library	165	Expenses	$13,700.	$0.;

said combined sum of $59,183. to be raised by transfer from the Reserve Fund.

A fourth motion to amend was offered by Mr. David F. Eldridge, Jr. by adding:

Line 151 Council on Aging changed from $8,601. to $20,601.; said sum of $12,000. to be raised by transfer from the Reserve Fund.

Mr. John W. Lerbourbeau, Chairman, Trustees of the Needham Public Library, addressed his amendment on behalf of the Needham Public Library. He advised that at the 1990 Annual Town Meeting, the Finance Committee recommended keeping the Reserve Fund monies available to fund unemployment costs. He explained that most of the layoffs were in the Library with almost all obtaining employment within one month. Thus, unemployment costs were not as high as anticipated. The additional appropriation would allow the Library to remain open one additional night, open on Saturdays from January to May 20, 1991, and purchase additonal books and reference materials.

Mr. David F. Eldridge, Jr. addressed his amendment not as a Selectman, but as a resident. He advised that the Council on Aging has many programs for transporting Senior Citizens. With the elimination of the Minibus in the 1990 Annual Town Meeting, this appropriation would greatly assist in enchancing the present transportation programs.

Mr. Paul Theodore Owens, Chairman, addressed the main motion and motions to amend on behalf of the Finance Committee. He stated that revenue estimates are made in the Spring and with reductions in local receipts and State Aid, less a variety of factors, total revenue is $329,000. less than estimated last Spring. There is currently $1.1 million in Free Cash which the Finance Committee recommends holding for next Spring. Free Cash is the result in the budget process of higher revenues or less expenses. This will decrease with the tightening of the various budgets. There is $300,000. in the Reserve Fund which should remain there. Extra money was put in the Reserve Fund last year for salary increases and unemployment costs. Thus, the Finance Committee recommends not appropriating Free Cash or additional reductions in the Reserve Fund. Town Meeting voted tonight to use some of the money in the Reserve Fund to pay the salary increases and to cover the shortfall of $329,000. Mr. Owens stated, in light of the above, that the Finance Committee opposes Mr. Lebourveau's amendment and Mr. Eldridge's amendment.

The following Town Meeting members spoke in favor of Mr. Lebourveau's amendment: Gregory John Shesko, Elinor R. Devlin, and Lois Sockol.

A motion to move the previous question on the main motion and all motions to amend was offered by Mr. Lee B. Manning. The motion was presented and carried by voice vote.

Mrs. Carleton's motion to fund the Town Hall Associates collective bargaining agreement was presented and carried unanimously by voice vote.

Mrs. Carleton's second motion to amend was presented and carried unanimously by voice vote.

Mr. Lebourveau's motion to amend was presented and carried by voice vote.

Mr. Eldridge's motion to amend was presented, but it failed to pass by voice vote.

ACTION: The main motion, as amended, was presented and carried by voice vote.

VOTED: That the Town amend and supercede certain parts of the 1991 Operating Budget, adopted under Article 36 at the 1990 Annual Town Meeting by deleting the amounts of money appropriated under the following items and appropriating new amounts for those line items: (Note: The budget is reproduced in its entirety with an esterisk (*) denoting each amended line item.)

BOARD OF SELECTMEN:	
1. Salaries	* $178,443.
2. Telephone Charges	0.
3. Expenses	* 166,524.
4. Town Meetings	0.
5. Capital Outlay	
3,000.	
6. Travel Out of State	0.
12. Street Lighting	350,000.
14. Garbage	94,500.
TOWN CLERK:	
15. Salaries	* 94,500.
16. Expenses	4,000.
17. Travel Out of State	55.
BOARD OF REGISTRARS:	
19. Salaries	* 44,330.
20. Expenses	20,230.
21. Tellers & Canvassers	17,250.
22. Capital Outlay	0.
LEGAL:	
23. Salaries	* 42,177.
24. Expenses	4,630.
25. Special Fees	88,920.
PERSONNEL:	
26. Salaries	* 68,492.
27. Purchase of Services	10,685.
28. Expenses	2,575.
ASSESSORS:	
29. Salaries	* 178,738.
30. Expenses	8,950.
31. Revaluation	35,423.
32. Capital Outlay	1,000.
FINANCE DEPARTMENT:	
7. Insurance General	548,480.
8. Insurance Group Life A & H	3,154,000.
9. Worker's Compensation	438,000.
10. Property Casualty Self Insurance	12,000.
11. Uniformed Services Medical Payments	82,000.
13. Unemployment Comp.	30,000.
33. Salaries	* 510,473.
34. Purchase of Service/Audit	124,150.
35. Travel Out of State	1,200.
36. Expenses	410,794.

37. Capital Outlay	5,650.
44. Maturing Bonds	* 1,064,126.
45. Bond Interest	187,711.

FINANCE COMMITTEE:

49. Salaries	* 11,323.
50. Expenses	700.
51. Reserve Fund	* 485,347.
(Raised by transfer of $95,000.from the Overlay Surplus Fund and the balance of $390,347. from the current tax levy.)	

CONTRIBUTORY RETIREMENT:

52. Salaries	* 37,503.
53. Contributions	3,071,562.
54. Expenses	3,140.

NON-CONTRIBUTORY RETIREMENT:

56. Chapter 32 Retirements	222,000.
57. Past Service Liability	0.

EDUCATION:

58. Salaries	*16,012,000.
59. Administration	116,835.
60. Instruction	720,762.
61. Other School Services	88,911.
62. Cafeteria Assistance	0.
63. Transportation	406,485.
64. Operation/Maintenance	885,300.
65. Community Service	82,325.
66. Fixed Assets	0.
67. Tuitions	1,082,709.
68. Travel Out of State	0.
71. Capital Outlay	0.

MINUTEMAN VOCATIONAL TECH:

72. Assessment	* 442,781.

POLICE:

73. Salaries - regular	* 1,892,190.
(raised by transfer of $24,000. from the Parking Meter Fund and the balance of $1,868,190. from the current tax levy.)	
74. Salaries - overtime	293,660.
75. Education & Career Incentive	0.
76. In-service Training	0.
76. Purchase of Services	81,477.
77. Capital Outlay	75,000.
78. Travel Out of State	0.
79. Auto Maintenance	0.
80. Building Maintenance	0.
81. Communications	0.
82. Operating Expenses	153,202.
84. Uniforms	0.
85. Crime Check Committee	0.
86. Animal Control	0.
87. F.B.I. Academy	0.

FIRE:

88. Salaries - regular	* 2,219,370.
89. Salaries - overtime	445,000.
90. Education/Career Incentive	25,000.
91. In-service Training	97,000.
92. Capital Outlay	20,518.
93. Travel Out of State	1,750.
94. Purchase of Services	87,363.
95. Equipment and Supplies	131,945.
96. Salaries O/T Alarm Div.	7,350.

CIVIL DEFENSE:

98. Salaries	2,000.
99. Expenses	15,147.
100. Capital Outlay	0.

BUILDING:

101. Salaries	* 122,706.
102. Expenses	4,205.
103. Capital Outlay	0.

SEALER OF WEIGHTS & MEASURES:

104. Salaries	* 7,115.
105. Expenses	1,558.

DEPARTMENT OF PUBLIC WORKS:

Administration:

106. Salaries	* 160,004.
107. Expenses	7,460.
108. Travel Out of State	0.

Engineering:

109. Salaries	* 238,343.
110. Expenses	5,085.

Garage & Equipment:

111. Salaries	* 171,384.
112. Expenses	102,885.
113. Equipment Replacement	283,919.
(Raised by transfer of $38,000. from the Stabilization Fund and the balance of $$245,919. from the current tax levy.)	

Highway:

114. Salaries	* 516,353.
115. Salaries Parking Meter Fund	36,000.
(Raised by transfer of $36,000. from the Parking Meter Fund.)	
116. Expenses	1,202,755.

Park Division:

117. Salaries	* 398,864.
118. Expenses	106,730.
119. Capital Outlay	0.

Sewer:

120. Salaries	* 389,364.
121. Expenses	111,400.
122. House Connections	0.
180. MWRA	* 1,756,659.

Snow & Emergency:

123. Salaries - overtime	60,000.
124. Expenses	90,000.

Water:

125. Salaries	* 380,803.
126. Expenses	266,079.
127. Main Extensions/New Services	20,000.
181. MWRA	* 49,954.

MINI-BUS:

128. Salaries	0.
129. Expenses	0.
130. Bus Contract	0.

BOARD OF HEALTH:

135. Salaries	* 185,883.
136. Capital Outlay	0.
137. Travel Out of State	500.

138. Expenses	10,000.
139. Purchase of Services	86,504.
141. Mental Health	0.
142. Mentally Retarded	0.
Charles River Workshop	
VETERANS' SERVICES:	
145. Salaries	* 38,144.
(Raised by transfer of $10,000. from the Parking Meter Fund and the balance of $28,144. from the current tax levy.)	
146. Expenses & Transportation	1,000.
147. Benefits	41,000.
184. Expenses, Parking	2,675.
YOUTH COMMISSION:	
148. Salaries	* 72,470.
149. Expenses	270.
143. Capital Outlay	0.
COUNCIL ON AGING:	
150. Salaries	* 59,873.
151. Expenses	8,601.
178. Capital Outlay	0.
179. Community Center	0.
PLANNING BOARD:	
152. Salaries	* 67,379.
153. Expenses	4,900.
154. Capital Outlay	0.
185. Travel Out of State	0.
CONSERVATION COMMISSION:	
155. Salaries	* 5,919.
156. Expenses	625.
157. Purchase of Services	4,023.
BOARD OF APPEALS:	
158. Salaries	* 4,991.
159. Expenses	3,100.
144. Capital Outlay	0.
HISTORICAL COMMISSION:	
160. Expenses	555.
LIBRARY:	
161. Salaries (Denotes final amend. under Art. 13)	*313,033.
162. Purchase of Services	* 59,800.
163. Books & Periodicals	25,000.
164. Building Maintenance	0.
165. Expenses	13,700.
166. Capital Outlay	0.
167. Travel Out of State	0.
PARK & RECREATION:	
172. Salaries	* 235,588.
173. Expenses	62,135.
174. Travel Out of State	500.
18. Capital Outlay	0.
MEMORIAL PARK:	
175. Expenses	650.
176. Capital Outlay	0.

ARTICLE 11

To see if the Town will accept the provisions of M.G.L. Chapter 40, Section 22D; or take any other action relative thereto.

SUMMARY

Chapter 40, Section 22D allows the Board of Selectmen to adopt, amend, alter or repeal rules and regulations authorizing the police chief or his designees to have vehicles towed from ways controlled by the Town when such vehicles are parked or standing so as to obstruct handicap ramps or parking spaces reserved for disabled veterans or handicapped persons. Vehicles may also be removed if they impede in any way the removal or plowing of snow or ice or if they are parked or standing in violation of a regulation which prohibits such parking or standing during the time of snow or ice removal. The owner of the vehicle will be liable for the reasonable cost of removal and storage charges, which charges may not exceed maximum rates established by statute.

MOVED: That the Town accept the provisions of Massachusetts General Laws, Chapter 40, Section 22D.

ACTION: The main motion was presented and carried by voice vote.

ARTICLE 12

To see if the Town will vote to authorize the Board of Selectmen to permanently construct, reconstruct, resurface, alter or make specific repairs upon all or portions of various Town Ways, authorize the expenditure of $198,737. provided or to be provided by the Commonwealth of Massachusetts Department of Public Works under the provisions of Chapter 15 of the Acts of 1988; or take any other action relative thereto.

MOVED: That the Town authorize the Board of Selectmen to permanently construct, reconstruct, resurface, alter or make specific repairs upon all or portions of various Town Ways, authorize the expenditure of $198,737. provided or to be provided by the Commonwealth of Massachusetts Department of Public Works under the provisions of Chapter 15 of the Acts of 1988.

ACTION: The main motion was presented and carried unanimously by voice vote.

ARTICLE 13

To see if the Town will vote to raise by taxation, transfer from available funds, by borrowing or otherwise, such sums as may be necessary for all or any of the purposes mentioned in the foregoing articles, especially to act upon all appropriations asked for, or proposed by the Selectmen, or any Town Officer or Committee; and to take action upon matters which may properly come before the meeting; or take any other action relative thereto.

MOVED: Under Article 13, Mr. Eric W. Fleming offered the following motion: That the Board of Selectmen review the budgetary information that is customarily provided to Town Meeting, and report to the 1991 Annual Town Meeting the financial and practical considerations of improving such information by providing Town Meeting Members with a detailed report of the proposed spending and revenues similar to the document produced annually by the School Committee.

ACTION: Mr. Fleming's motion was presented, but the Moderator was in doubt as to the voice vote. The motion was again presented and the Moderator was still in doubt as to the voice vote. Mr. Michael A.

Grandinetti was sworn in as teller by the Moderator. The motion was again presented and carried by a count of hands. The hand count was Yes 113 - No 55.

MOVED: Under Article 13, Mr. Eric W. Fleming offered the following motion: That the Personnel Board review its customary method of presenting general wage increases to Town Meeting, and report to the 1991 Annual Town Meeting an alternative method of presentation that would allow the Town Meeting to amend the percentage increase without the necessity of recalculating the dollar figures of every grade and step.

ACTION: Mr. Fleming's motion was presented, but it failed to pass by voice vote.

MOVED: Under Article 13, Mr. Russell S. Broad, Jr. offered the following Resolution: In view of the support for the menu approach to Proposition 2 1/2 overrides and the defeat of the last two general overrides in Needham, be it resolved that the members of the Special Town Meeting want choices on how to spend their tax money. Therefore, the Special Town Meeting of November 19, 1990 requests the Selectmen to provide a menu selection on all future attempts to override Proposition 2 1/2.

A motion to amend was offered by Mr. Gerald R. Browne to strike the word "all" as it appears before the word "future".

After a brief discussion, a motion to move the previous question was offered by Mr. Arthur M. Tiernan, Jr. and it was unanimously voted.

Mr. Browne's motion to amend to strike the word "all" was presented and carried by voice vote.

ACTION: Mr. Broad's Resolution, as amended, was presented, but it failed to pass by voice vote.

MOVED: Under Article 13, Mr. Thomas M. Harkins moved to amend the main motion under Article 10 to change Line Item No. 161 Library, Salaries from $306,037. to $313,033. to reflect both amendments to that particular Line Item.

ACTION: Mr. Harkin's motion to amend was presented and carried unanimously by voice vote. (NOTE: the change in the Line Item 161 is reflected under Article 10)

At 10:55 P.M. Mrs. Marcia M. Carleton moved that this Special Town Meeting be dissolved in memory of Agnes Clark, nurse and W.W.I. Veteran and James Linnane, long-time Town Meeting Member, and it was unanimously voted.

Theodora K. Eaton, CMC,
Town Clerk

ATTEST:

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RECORD OF ANNUAL TOWN ELECTION

April 8, 1991

Pursuant to a Warrant issued by the Selectmen February 26, 1991, the Inhabitants of the Town of Needham qualified to vote in elections met at the polling places designated for the several precincts in said Needham on Monday, the eighth day of April in the year 1991 at forty-five minutes after six o'clock in the forenoon.

The meeting was called to order and the Warrant and the Officer's Return were read by the Warden of the Precincts, the reading of the articles in the Warrant being waived upon motion.

The ballot clerks were sworn to the faithful performance of their duties by their respective Wardens.

The polling places had been designated as follows:

Precinct A -	Hillside School
Precinct B -	Hillside School
Precinct C -	Newman Middle School
Precinct D -	High Rock School
Precinct E -	Pollard Middle School
Precinct F -	Stephen Palmer Community Room
Precinct G -	Broadmeadow School
Precinct H -	Broadmeadow School
Precinct I -	William Mitchell School - Gymnasium
Precinct J -	William Mitchell School - Gymnasium

The polls were opened at forty-five minutes after six o'clock in the forenoon and were kept open until eight o'clock in the afternoon.

ARTICLE 1: ANNUAL TOWN ELECTION

To choose by ballot the following Town Officers:

One Moderator for One Year;
Two Selectmen for Three Years;
One Assessor for Three Years;
Two Members of School Committee for Three Years;
Two Trustees of Memorial Park for Three Years;
Two Trustees of Needham Public Library for Three Years;
One Member of Board of Health for Three Years;
One Member of Planning Board for Five Years;
One Member of Needham Housing Authority for Five Years;
One Commissioner of Trust Funds for Three Years;
Two Members of Park and Recreation Commission for Three Years;
One Member of Park and Recreation Commission for One Year;
Eight Town Meeting Members from Precinct A for Three Years;
Nine Town Meeting Members from Precinct B for Three Years;
One Town Meeting Member from Precinct B for Two Years;
Eight Town Meeting Members from Precinct C for Three Years;
One Town Meeting Member from Precinct C for One Year;
Nine Town Meeting Members from Precinct D for Three Years;
One Town Meeting Member from Precinct D for One Year;
Eight Town Meeting Members from Precinct E for Three Years;
One Town Meeting Member from Precinct E for Two Years;
One Town Meeting Member from Precinct E for One Year;
Nine Town Meeting Members from Precinct F for Three Years;
Nine Town Meeting Members from Precinct G for Three Years;
One Town Meeting Member from Precinct G for One Year;
Eight Town Meeting Members from Precinct H for Three Years;
Eight Town Meeting Members from Precinct I for Three Years;
One Town Meeting Member from Precinct I for Two Years;
Eight Town Meeting Members from Precinct J for Three Years.

ARTICLE 2: BALLOT QUESTION

To submit the following question upon the official ballot to the voters of the Town:

QUESTION 1 - General Override - Schools

"Shall the Town of Needham be allowed to assess an additional $978,000. in real estate and personal property taxes for the operations of the School Department, for the fiscal year beginning July first nineteen hundred and ninety-one?"

ARTICLE 3: BALLOT QUESTION

To submit the following question upon the official ballot to the voters of the Town:

Question 2 - General Override - Library

"Shall the Town of Needham be allowed to assess an additional $467,000. in real estate and personal property taxes for the operations of the Library, for the fiscal year beginning July first nineteen hundred and ninety-one?"

ARTICLE 4: BALLOT QUESTION

To submit the following question upon the official ballot to the voters of the Town:

Question 3 - General Override - Fire Department and Emergency Ambulance Services

"Shall the Town of Needham be allowed to assess an additional $198,115. in real estate and personal property taxes for the operations of the Fire Department and Emergency Ambulance Services, for the fiscal year beginning July first nineteen hundred and Ninety-one?"

ARTICLE 5: BALLOT QUESTION

To submit the following question upon the official ballot to the voters of the Town:

Question 4 - General Override - Police

"Shall the Town of Needham be allowed to assess an additional $152,113. in real estate and personal property taxes for the operations of the Police Department, for the fiscal year beginning July first nineteen hundred and ninety-one?"

ARTICLE 6: BALLOT QUESTION

To submit the following question upon the official ballot to the voters of the Town:

Question 5 - General Override - Council On Aging

"Shall the Town of Needham be allowed to assess an additional $69,985. in real estate and personal property taxes for the operations of the Council On Aging (Stephen Palmer Senior Center), for the fiscal year beginning July first nineteen hundred and ninety-one?"

ARTICLE 7: BALLOT QUESTION

To submit the following question upon the official ballot to the voters of the Town:

Question 6 - General Override - Park and Recreation

"Shall the Town of Needham be allowed to assess an additional $52,000. in real estate and personal property taxes for the operations of the Park and Recreation Department, for the fiscal year beginning July first nineteen hundred and ninety-one?"

ARTICLE 8: BALLOT QUESTION

To submit the following question upon the official ballot to the voters of the Town:

Question 7 - General Override - Youth Commission

"Shall the Town of Needham be allowed to assess an additional $26,872. in real estate and personal property taxes for the operations of the Youth Commission for the fiscal year beginning July first nineteen hundred and ninety-one?"

ARTICLE 9: BALLOT QUESTION

To submit the following question upon the official ballot to the voters of the Town:

Question 8 - Capital Expenditure Exclusion - Recycling

"Shall the Town of Needham be allowed to assess an additional $50,000. in real estate and personal property taxes for the Town Recycling program, for the fiscal year beginning July first nineteen hundred and ninety-one?"

The ballot box returns in the Precincts were as follows:

PRECINCTS	A	B	C	D	E
6:45 A.M.	0	0	0	0	0
7:00 A.M.	4	17	2	50	7
8:00 A.M.	76	110	104	100	60
9:00 A.M.	157	166	171	198	136
10:00 A.M.	194	332	224	271	230
11:00 A.M.	265	285	286	327	311
12:00 NOON	307	340	347	387	365
1:00 P.M.	350	397	387	442	414
2:00 P.M.	417	460	449	501	460
3:00 p.m.	463	514	507	552	529
4:00 p.m.	515	600	598	616	589
5:00 p.m.	608	710	673	704	671
6:00 p.m.	733	831	771	836	780
7:00 P.M.	811	944	896	980	917
8:00 P.M.	961	1030	1058	1165	1078

PRECINCTS	F	G	H	I	J
6:45 A.M.	0	0	0	0	0
7:00 A.M.	8	15	8	12	7
8:00 A.M.	77	116	124	119	93
9:00 A.M.	220	176	202	204	188
10:00 A.M.	304	232	279	273	255
11:00 A.M.	406	300	342	336	310
12:00 NOON	500	374	408	402	376
1:00 P.M.	565	408	467	453	418
2:00 P.M.	635	454	516	521	480
3:00 P.M.	690	509	592	582	542
4:00 P.M.	794	618	654	658	614
5:00 P.M.	904	706	745	743	714
6:00 P.M.	1017	815	866	887	859
7:00 P.M.	1149	959	1011	994	984
8:00 P.M.	1276	1135	1136	1186	1165

(The absentee ballots are included in the Total Vote)
TOTAL VOTE CAST: 11,188 - 61.50%

The Town Clerk and the Board of Registrars upon receipt of the returns from the several precincts forthwith canvassed the same and announced the official results at 11:10 P.M., April 8, 1991.

The result of the balloting was as follows:

TOWN OFFICES

	A	B	C	D	E	F	G	H	I	J	TOTAL
Total Number of Votes Cast	961	1030	1058	1165	1078	1276	1138	1136	1186	1160	11,188
MODERATOR (For one year)(Vote for One)											
Richard P. Melick	602	662	713	768	690	856	722	703	803	765	7,284
Scattered Write-Ins	-	-	-	-		-	-	1	-	-	1
Blanks	359	368	345	397	388	420	416	431	383	395	3,903
SELECTMAN (For three years)(Vote for Two)											
Marcia M. Carleton	478	562	640	678	639	775	695	695	741	691	6,594
David F. Eldridge, Jr.	424	516	542	579	548	754	605	502	586	574	5,630
Patrick A. Alessi	342	297	293	361	307	291	304	377	386	344	3,302
Richard E. Jones	244	187	193	238	181	195	185	227	185	201	2,036
Blanks	434	498	448	474	481	537	487	471	474	510	4,814
ASSESSOR (For three years)(Vote for One)											
Richard W. Finnegan	580	646	719	756	649	839	714	709	750	727	7,089
Scattered Write-Ins	-	-	-	-	-	-	-	1	-	-	1
Blanks	381	384	339	409	429	437	424	426	436	433	4,098
SCHOOL COMMITTEE (For three years)(Vote for Two)											
Claire Kroll Fusaro	521	590	618	649	596	767	683	638	776	669	6,507
Susan R. Posner	557	595	657	722	669	782	650	656	684	668	6,640
Scattered Write-Ins	-	-	-	3	-	-	-	-	1	-	4
Blanks	844	875	841	956	891	1003	943	978	911	983	9,225
TRUSTEE OF MEMORIAL PARK (For three years)(Vote for Two)											
Arthur M. Tiernan, Jr.	454	511	522	602	546	685	568	575	619	589	5,671
John J. Logan, Jr.	385	397	455	521	503	576	548	466	480	418	4,749
Charles J. Mangine	339	380	364	391	309	358	324	379	365	449	3,658
Blanks	744	772	775	816	798	933	836	852	908	864	8,298
TRUSTEE OF PUBLIC LIBRARY (For three years)(Vote for Two)											
John W. Lebourveau	557	601	671	718	634	813	705	672	774	687	6,832
Emily M. Salaun	563	576	671	715	599	788	680	666	719	693	6,670
Blanks	802	883	774	897	923	951	891	934	879	940	8,874
BOARD OF HEALTH (For three years)(Vote for One)											
Saul Adams	484	497	523	563	515	612	556	517	615	601	5,483
Kenneth Monteith	269	297	298	338	293	384	293	344	307	296	3,119
Blanks	208	236	237	264	270	280	289	275	264	263	2,586
PLANNING BOARD (For five years) (Vote for One)											
Norman A. Homsy	339	362	417	417	373	569	414	419	452	484	4,246
Frank S. Gallello	453	479	446	537	490	441	496	494	504	477	4,817
Blanks	169	189	195	211	215	266	228	223	230	199	2,125
NEEDHAM HOUSING AUTHORITY (For five years (Vote for One)											
Charles H. Cahill, Jr.	324	360	385	383	389	449	399	436	492	516	4,133
Gertrude J. Farnham	329	327	319	467	292	402	350	317	314	279	3,396
Blanks	308	343	354	315	397	425	389	383	380	365	3,659
COMMISSIONER OF TRUST FUNDS (For three years)(Vote for One)											
Robert W. Cutts	543	577	639	686	581	741	628	639	684	655	6,373
Blanks	418	453	419	479	497	535	510	497	502	505	4,815
PARK AND RECREATION COMMISSION (For three years)(Vote for Two)											
Elinor R. Devlin	536	601	651	711	654	798	722	700	759	698	6,830
Dana W. Story, Jr.	509	534	586	622	537	714	558	562	614	603	5,839
Blanks	877	925	879	997	965	1040	996	1010	999	1019	9,707
PARK AND RECREATION COMMISSION (For one year)(Vote for One)											
James F. Sargent	607	621	674	748	647	825	722	713	763	713	7,033
Blanks	354	409	390	417	431	451	416	423	423	447	4,155

	A	B	C	D	E	F	G	H	I	J	TOTAL
Total Number of Votes Cast	961	1030	1058	1165	1078	1276	1138	1136	1186	1160	11,188
QUESTION #1: General Override - School Dept.											
Yes	538	613	692	772	730	893	772	710	775	713	7,208
No	401	399	344	366	334	344	347	406	393	426	3,760
Blanks	22	18	22	27	14	39	19	20	18	21	220
QUESTION #2: General Override - Library											
Yes	604	711	810	846	827	998	862	823	886	829	8,196
No	330	303	233	303	238	252	260	294	291	315	2,819
Blanks	27	16	15	16	13	26	16	19	9	16	173
QUESTION #3: General Override - Fire Dept. and Ambulance Service											
Yes	565	645	700	794	715	913	776	714	769	731	7,322
No	381	368	338	348	347	315	341	395	393	402	3,628
Blanks	15	17	20	23	16	48	21	27	24	27	238
QUESTION #4: General Override - Police Dept.											
Yes	529	581	679	738	694	859	721	680	715	690	6,886
No	409	419	358	399	367	361	387	420	436	438	3,994
Blanks	23	30	21	28	17	56	30	36	35	32	308
QUESTION #5: General Override - Council on Aging											
Yes	534	630	677	742	705	894	771	663	750	692	7,058
No	395	365	349	385	341	316	328	442	400	436	3,757
Blanks	32	35	32	38	32	66	39	31	36	32	373
QUESTION #6: General Override - Park and Recreation Dept.											
Yes	448	508	579	630	608	769	669	569	660	602	6,042
No	474	480	436	482	432	420	421	523	483	509	4,660
Blanks	39	42	43	53	38	87	48	44	43	49	486
QUESTION #7: General Override - Youth Commission											
Yes	468	514	575	625	595	770	651	559	617	617	5,991
No	458	468	437	482	443	418	438	533	522	505	4,704
Blanks	35	48	46	58	40	88	49	44	47	38	493
QUESTION #8: Capital Expenditure Exclusion - Recycling											
Yes	531	589	696	727	736	865	758	650	760	709	7,021
No	385	399	329	395	308	342	339	442	392	410	3,741
Blanks	45	42	33	43	34	69	41	44	34	41	426

TOWN MEETING MEMBERS

* Not Elected

PRECINCT A (For three years) (Vote for Eight)

Ira A. Nagel	521		Jennifer Peck Fainberg	430
Elsie Robinson	497		Louise P. Swanson	429
John P. Bleakney	456		Claudette J. Kumor	404
Linda A. Rosenberg	455	*	David G. Blom	377
Irwin Silverstein	440		Write-In:	
			David Ranberg	1

PRECINCT B (For three years) (Vote for Nine)

Mary Lou Evans	538		Write-Ins:	
Susan M. Glazer	537		William E. Duncan	3
William L. Sweet	521	*	Robert Litrownik	2
John D. Woodley	501	*	Steve McKay	1
Trudi R. Ide	501	*	Eileen M. Hagerty	1
Peter B. Johnson	498	*	H. Janson	1
Stanley R. Tippett	492	*	Mary S. Lundell	1
Harriet D. Tippett	486			

PRECINCT B (For two years) (Vote for One)

John M. O'Hara	588		Write-Ins:	
		*	William E. Duncan	1

PRECINCT C (For three years) (Vote for Eight)

Susan M. Anderson	566		Andrew J. Oliveri	486
Lois Sockol	551		Rita A. Russian	464
Gilbert W. Cox, Jr.	541		Dana W. Story, Jr.	440
Ron Sockol	503	*	Daniel P. Messing	412
Charles W. Wyckoff	493	*	George S. Pultz	398

PRECINCT C (For one year) (Vote for One)

Laurence G. Eaton	501	*	Eric D. Leskowitz	255

PRECINCT D (For three years) (Vote for Nine)

Carol Johnson Boulris	556		Paul Killeen	411
Sally B. Powers	518		Thomas A. Mela	400
Joan Adams	479	*	Elizabeth B. Kloss	388
William M. Powers	459	*	Robert D. Vecchi	385
Ronald L. Morrison	436	*	Stephen J. Cadigan	351
Kathleen M. Lewis	433	*	Walter F. McDonough	328
Dorothy D. Dwyer	426	*	John R. McKeon	313

PRECINCT D (For one year) (Vote for One)

David W. Kunhardt	597			

PRECINCT E (For three years) (Vote for Eight)

Nancy Winbury Griffith	443		Robert C. Davis	351
Thomas M. Harkins	416	*	Jane A. Howard	345
Roma Jean Brown	400	*	Tia Hawkes	337
Amy Robinson	379	*	James L. Kenefick	315
Jeffrey A. Kleiman	362	*	Maxwell N. Gordon	284
Maryruth Perras	353	*	Philip M. Atwood	278
Mary H. Dickert	353			

PRECINCT E (For two years) (Vote for One)

Adrienne S. Dey	371	*	Judith A. Radley	341

PRECINCT E (For one year) (Vote for One)

Lawrence R. Cummings	375	*	Paul J. Durda	291

TOWN MEETING MEMBERS

* Not Elected

PRECINCT F (For three years) (Vote for Nine)

Richard W. Davis	576		Judith R. Pike	361
Daniel P. Matthews	552	*	Kathleen D. Whitney	355
John J. Naughton, Jr.	519	*	Robert F. Enos	345
Rita L. Minahan	495	*	Damon J. Borrelli	332
Catherine C. Wong	476	*	Harriet B. Dann	298
Susan D. Baer	468	*	Donnell F. O'Duggan	279
Mary D. McDonough	371	*	Michael L. Verdun	247
William A. Zoppo	361	*	Jonathan S. Helman	206

PRECINCT G (For three years) (Vote for Nine)

Margaret G. Murphy	587		George L. Keleher	464
Susan W. Abbott	534		Mary Ann Oldfield	458
Barbara K. Popper	513		Robert T. Heald	444
Jean R. Phalen	500		Margaret M. Eldridge	425
Elizabeth M. Hart	465	*	Frank E. Reardon	424
		*	Richard Cashman	381

PRECINCT G (For one year) (Vote for One)

Jill E. Owens	420	*	Maureen J. Coughlin	386

PRECINCT H (For three years) (Vote for Eight)

Marjorie M. Margolis	603		Edward B. Murphy	498
Marguerite V. Murphy	584		David F. Devine	472
Therese A. Buckley	581		Robert Y. Larsen	431
Barbara Buckley Doyle	522	*	Clement A. Dwyer	407
Robert G. Carleton	516	*	Joseph A. Thissell	397
		*	Peter Friedenberg	320

PRECINCT I (For three years) (Vote for Eight)

Mary D. Quirk	498		Deborah J. Keefe	370
Claire Kroll Fusaro	485	*	Maureen T. McCaffrey	351
Elinor R. Devlin	434	*	Edward F. Supple	350
Margaret A. Riley	425	*	Diane Perry Matthews	346
Paul F. Denver	424	*	Vincent C. Nuccio	344
Neil O. Alper	398	*	Erna J. S. Place	289
John W. Day	390	*	Gerald C. Rovner	273
		*	Arthur Kascsak	200

PRECINCT I (For two years) (Vote for One)

Susan M. Burt	342	*	Judith M. Belgrade	177
		*	Donald B. Leathe	161

PRECINCT J (For three years) (Vote for Eight)

Mary Ellen Herd	593		Marcia C. Mather	460
George F. Skinner	564		Jo-Ann Miles	445
Betsy M. Tedoldi	524	*	Carol R. Lintz	383
John F. Connell	515	*	Marc S. Chase	360
Maura O. Walsh	492	*	Charles J. Cahill, Jr.	360
Bonnie Jean Tower	483	*	Charles A. Strigler	261

The ballots cast in the several precincts were returned to the Town Clerk in the sealed containers. The voting lists used at the entrances to the polling places and at the ballot boxes and a copy of the precinct record of the election were also returned, all properly sealed in conformity with the laws governing elections.

Adjourned at 11:10 P.M., April 8, 1991.

Theodora K. Eaton, CMC,
Town Clerk

Attest:

ELECTION
(To Break Tie Vote of Defeated Candidates With
Second Highest Vote for Town Meeting Member in Precinct J)

April 23, 1991
7:00 P.M.

In accordance with Section 9, Chapter 403 of the Acts of 1971 (Town Charter), a meeting of the Town Meeting Members from Precinct J was held on Tuesday evening, April 23, 1991, at 7:00 P.M. for the purpose of electing one of two candidates receiving tie votes for the defeated candidate with the second highest vote. A quorum was present; ballots were cast with the following results:

Charles J. Cahill, Jr.	2 Votes
Marc S. Chase	11 Votes

Theodora K. Eaton, CMC,
Town Clerk

ATTEST:

ELECTION
(To Fill A Vacancy in Precinct I
for Town Meeting Member)

April 30, 1991
7:00 P.M.

In accordance with Section 9, Chapter 403 of the Acts of 1971 (Town Charter), a meeting of the Town Meeting Members from Precinct I was held on Tuesday, April 30, 1991 at 7:00 P.M. for the purpose of electing a Town Meeting Member to serve until the next Annual Town Election on April 13, 1992. A quorum was present; ballots were cast with the following results:

Vincent C. Nuccio	8
Gerald C. Rovner	3
Erna J. S. Place	2
Donald B. Leathe	1

Theodora K. Eaton, CMC,
Town Clerk

ATTEST:

ANNUAL TOWN MEETING FOR THE TRANSACTION OF BUSINESS

May 6, 1991

Pursuant to a Warrant issued by the Selectmen February 26, 1991, the Inhabitants of the Town of Needham qualified to vote in Town Affairs met in the Derwood A. Newman Middle School on Monday, May 6, 1991, at 7:30 o'clock in the afternoon.

The checkers appointed by the Selectmen were sworn to the faithful performance of their duties by the Town Clerk.

Check lists were used and 283 voters, including 252 Town Meeting Members, were checked on the list as being present.

In the opening ceremony, Linda Muckerheide, accompanied on the piano by Alex Howland, sang "Let There Be Peace On Earth" prior to the call to the meeting.

The meeting was called to order at 7:30 o'clock by the Moderator, Richard P. Melick. The colors were presented by Eagle Scouts Tom Gerstel of Troop 2, Mike Baker of Troop 10, and Girl Scout Laurie Benoit of Senior Troop 4040 at St. Joseph's School while those present joined Linda in singing the "Star Spangled Banner" and "God Bless America".

At the designation of Rev. E. Richard Weidler, President of the Needham Clergy Association, Mr. Paul Gardner, First Church of Christ Scientist, gave the invocation. Following this, the call to the meeting and the officer's return were read by the Town Clerk, the reading of the articles in the Warrant being waived upon motion.

The Moderator declared a quorum to be present and requested the Town Clerk to so record.

The Town Meeting Members were sworn to the faithful performance of their duties by the Town Clerk.

The Moderator announced the following ground rules and these were adopted unanimously:

1. A speaker will be ruled out of order who refers to personalities. Let us remember that we are one Town Meeting Family with a common goal: the best interest of the community.

2. Rise to be recognized and address the chair; speak your name so that the Town Clerk can complete her records.

3. Disclosure required by one employed as an attorney by another who is interested in a matter; General By-Laws, Art. I, section 5.

4. Any speaker who addresses the merits of a matter shall not be permitted to place on the floor immediately following the speaker's remarks, a motion to move the previous question or a motion to limit debate; General By-Laws, Art. I, section 8.

5. If lengthy or complicated motions are not drafted and reviewed by the Moderator prior to being placed on the floor, then the speaker will yield the floor to another speaker while the drafting and formulation process is occurring. Short motions to amend and procedural motions need not be in writing.

6. Parlimentary procedures known as "points of information" and "points of order" shall be strictly construed so as not to elong or permit debate after a motion to move the previous question has been voted in the affirmative.

7. Limits of debate shall be enforced.

8. Questions asked for general information purposes unnecessary for the consideration of the matter on the floor shall be ruled out of order.

9. If a speaker either makes any reference whatsoever to the existence or presence of cameras within the hall or within the sole discretion of the Moderator it is believed that the remarks of the speaker are in any way affected by the existence of the cameras, then in either event the speaker will be ruled out of order and requested to immediately be seated.

10. After a motion to put the previous question has been voted, a member may rise to a point of information only to inquire (1) what the motion or motions are that are to be put pursuant to said vote, or (2) to ask as to the order in which motions are to be so put if there be more than one motion to be voted upon, and for no other purpose.

Unanimous consent was given to adopt the following limits of debate:

25 Minutes - Committee Chairmen, proponents, attorneys representing proponents; subject to extension at the discretion of the Moderator in cases of a building committee report or the like.

10 Minutes - Town Meeting members, non-town meeting members, visitors other than attorneys.

Unanimous consent was given to advance Article 23 to be the first item of business on Monday, May 13, 1991 after the dissolution of the Special Town Meeting called for that evening.

Changes in affirmative motions contrasted with articles were noted by the Moderator.

The Moderator announced that the proponents of Articles 18 and 20 requested unanimous consent to withdraw these articles, and it was so voted unanimously.

The Moderator asked unanimous consent to omit the reading of the articles and to refer to them by number only. Any Town Meeting Member who wished to "question" or "debate" should so indicate when the number was called and those articles not so indicated would be adopted by unanimous consent. There was no objection and the Moderator declared this method to be adopted unanimously.

The Moderator then proceeded to call each article in the Warrant by number commencing with Article No. 10. No Town Meeting Member responded with "question" or "debate" to the following articles: 10, 11, 45, 46, and 47.

The Moderator called each of the above-mentioned articles by number and no objection was heard to adoption by unanimous consent. The Moderator stated that the Town Counsel had filed copies of an affirmative motion for each article with the Town Clerk on April 23, 1991, and that the motions had been available for public scrutiny since that date. It was moved that all affirmative motions for the above-mentioned articles be adopted by unanimous consent. It was so unanimously voted and the Town Clerk was requested to so record. As a result thereof, said articles and the votes thereunder are as follows:

ARTICLE 10 COMMITTEE/OFFICER REPORTS

To hear and act on the reports of Town Officers and Committees.

MOVED: That the Town accept and act on the reports of Town Officers and Committees.

ACTION: So voted by unanimous vote.

ARTICLE 11 AUTHORIZATION TO EXPEND STATE AND COUNTY FUNDS

To see if the Town will vote to authorize the Board of Selectmen to permanently construct, reconstruct, resurface, alter or make specific repairs upon all or portions of various Town Ways, authorize the expenditure of $198,737. provided or to be provided by the Commonwealth of Massachusetts Department of Public Works under the provisions of Chapter 15 of the Acts of 1988; or take any other action relative thereto.

MOVED: That the Town authorize the Board of Selectmen to permanently construct, reconstruct, resurface, alter or make specific repairs upon all or portions of various Town Ways and expend $198,737. provided or to be provided by the Commonwealth of Massachusetts Department of Public Works under the provisions of Chapter 15 of the Acts of 1988.

ACTION: So voted by unanimous vote.

ARTICLE 45 CONTINUE SOLID WASTE DISPOSAL STUDY COMMIITTEE

To see if the Town will vote to continue the Solid Waste Disposal Study Committee, established by vote of the 1966 Annual Town Meeting under Article 73 and last continued by vote under Article 39 of the 1990 Annual Town Meeting; direct and authorize said Committee to continue to investigate all methods of collection and disposal of solid waste; said Committee to report to the next Annual Town Meeting or sooner; or take any other action relative thereto.

MOVED: That the Town continue the Solid Waste Disposal Study Committee, established by vote of the 1966 Annual Town Meeting under Article 73 and last continued by vote under Article 39 of the 1990 Annual Town Meeting; direct and authorize said Committee to continue to investigate all methods of collection and disposal of solid waste; said Committee to report to the Capital Budget Sub-Committee and to the next Annual Town Meeting or sooner.

ACTION: So voted by unanimous vote.

ARTICLE 46 CONTINUE PARKING FACILITIES STUDY COMMITTEE

To see if the Town will vote to continue the Parking Facilities Study Committee initially established by vote of the Town under Article 4 of the Special Town Meeting in May 1986 and last continued by vote under Article 38 of the 1990 Annual Town Meeting; direct and authorize said Committee to study the parking needs and problems of the community; and report its recommendation to the next Annual Town Meeting or sooner; or take any other action relative thereto.

MOVED: That the Town continue the Parking Facilities Study Committee initially established by vote of the Town under Article 4 of the Special Town Meeting in May 1986 and last continued by vote under Article 38 of the 1990 Annual Town Meeting; direct and authorize said Committee to study the parking needs and problems of the community; and report its recommendation to the next Annual Town Meeting or sooner.

ACTION: So voted by unanimous vote.

ARTICLE 47 CONTINUE FUTURE SCHOOL NEEDS COMMITTEE

To see if the Town will vote to continue the Future School Needs Committee, its members to be appointed by the Town bodies, as originally established by vote under Article 77 of the 1951 Annual Town Meeting ; and last continued by vote under Article 40 of the 1990 Annual Town Meeting; direct and authorize said Committee to continue its work - studying population trends and other factors which impact on the future adequacy of school facilities as heretofore authorized and to report with its recommendations to the next Annual Town Meeting or sooner; or take any other action relative thereto.

MOVED: That the Town continue the Future School Needs Committee, its members to be appointed by the Town bodies, as originally established by vote under Article 77 of the 1951 Annual Town Meeting ; and last continued by vote under Article 40 of the 1990 Annual Town Meeting; direct and authorize said Committee to continue its work - studying population trends and other factors which impact on the future adequacy of school facilities as heretofore authorized and to report with its recommendations to the next Annual Town Meeting or sooner.

ACTION: So voted by unanimous vote.

At this time the Moderator proceeded to the remaining articles in the Warrant.

ARTICLE 12 ACCEPT CHAPTER 291 OF THE ACTS OF 1990 (ENHANCED 911)

To see if the Town will vote to accept the provisions of Chapter 291 of the Acts of 1990, which amends M.G.L. c.6A; or take any other action relative thereto.

MOVED: That the Town vote to accept the provisions of Chapter 291 of the Acts of 1990.

Mrs. Marcia M. Carleton, Chairman, addressed this proposal on behalf of the Board of Selectmen. She advised that there are no costs involved in the installation of this system as the first unit is free. In response to Mrs. Sheila G. Pransky, Police Chief William G. Slowe advised that there will be no training required.

ACTION: The main motion was presented and carried unanimously by voice vote.

ARTICLE 13 RECODIFICATION OF GENERAL BY-LAWS

To see if the Town will vote to recodify the General By-Laws of the Town of Needham; or take any other action relative thereto.

MOVED: That the Town vote to recodify the General By-Laws of the Town of Needham as follows: (See final vote under Article 13)

Mr. Gerald A. Wasserman, Town Meeting Member and Chairman of the Non-Criminal Disposition & Recodification Study Committee addressed the recodification of the General By-Laws. He advised that the Committee basically renumbered the existing General By-Law and eliminated some duplication.

Mr. David S. Tobin, Town Counsel, noted that the Committee attempted to change the language to make it easier to read and to delete repetitive wording and language already covered in existing state statutes and regulations.

A motion to amend was offered by Mr. Gerald A. Wasserman by striking out the second sentence in section 1.12.1 and inserting in place thereof the following sentence: "The moderator shall annually appoint three members to serve for three years."

A second motion to amend was offered by Mr. George Tarallo by adding at the end of the new sentence in section 1.12.1 the words "after the Annual Town Meeting.".

Mr. Tarallo's motion to amend was presented, but it failed to pass by voice vote.

Mr. Wasserman's motion to amend was presented and carried unanimously by voice vote.

ACTION: The main motion, as amended, was presented and carried unanimously by voice vote.

VOTED: That the Town vote to recodify the General By-Laws of the Town of Needham as follows:

ARTICLE 1

TOWN MEETING

SECTION 1.1 DATES OF MEETING

1.1.1 Annual Town Meeting for the election of officers and such other matters as may be voted on the official ballot shall be held on the second Monday in April of each year; and the Annual Town Meeting for the transacting of business shall be held on the first Monday in May of each year. If the business is not completed that day, an adjournment shall be taken to the next following Wednesday. If any business shall then remain unfinished, adjournment shall be taken to the next following Monday, with successive adjournments to the next following Wednesdays and Mondays until all business is completed, unless otherwise voted at one of the scheduled meetings.

1.1.2 If for any reason a State Primary or State Election should occur within 30 days before or immediately following the date established for the Annual Town Meeting, the Selectmen, after consultation with the Town Clerk, may by proclamation postpone and schedule another day in the month of April for the Annual Town Election.

SECTION 1.2 NOTIFICATION

All Town Meetings shall be notified and warned by posting attested copies of the Warrant calling for the Town Meeting in not less than twenty public places in the Town at least seven days before the time of holding the meeting.

SECTION 1.3 MAILING OF NOTIFICATION

In addition to such required notification, the Town Clerk shall cause to be delivered or mailed to each place of residence in the Town a copy of the warrant for each Town Meeting. Said notification should be mailed at least ten days or be delivered at least seven days before the time named in the warrant for holding said meeting. Said delivering or mailing shall not, however, constitute any part of the posting of said warrant.

SECTION 1.4 ROLL CALL

A vote of the Town Meeting shall be taken by a roll call of the yeas and nays: (a) whenever requested by twenty-five of the Town Meeting members present, immediately following a voice vote, standing vote or vote by show of hands; (b) whenever such a roll call on the pending question is ordered by affirmative vote of a majority of the Town Meeting Members present and voting; or (c) whenever such a roll call is deemed necessary by the Moderator in the fulfillment of the duties of his office.

SECTION 1.5 SPECIFIC REQUESTS BY MODERATOR

The Moderator may direct to any person in the hall a specific request by a Town Meeting Member for information pertaining to the question under consideration.

SECTION 1.6 MOTIONS BY SPEAKERS

Any speaker who addresses the merits of a matter shall not be permitted to place on the floor, immediately following the speaker's remarks, a motion to move the previous question or a motion to limit debate.

SECTION 1.7 DIVISION OF MOTION

If a motion under an article of the Town Warrant is susceptible of division, it shall be divided upon the request of twenty voters; and the questions shall be put separately on each part.

SECTION 1.8 MOTIONS RELATING TO TOWN BUILDING COMMITTEES

1.8.1 Any motion presented to the Town Meeting which provides for the establishment of any committee to study or to undertake the construction, reconstruction, alteration or enlargement of a Town-owned building or structure shall provide that the membership of the committee shall include, among others, the following: (a) a registered professional engineer pursuant to M.G.L. Chapter 112 or, if not registered, a person who shall have had at least five years of experience in the supervision of construction and the keeping of accurate records and accounts thereof; (b) an accountant; (c) an attorney-at-law; and, (d) a person with prior experience as a member of a building committee. If an appointing authority required to make an appointment specified in clauses (a), (b), (c) or (d) shall report to the Town Clerk that no qualified and willing candidates are available for such appointment, said authority may, instead, appoint a person experienced as an executive in a financial, business or construction organization. Before being offered on the floor of the Town Meeting, a motion subject to this Section shall be submitted to the Moderator for his review.

1.8.2 Every Town contract for the construction, reconstruction, alteration or enlargement of a Town-owned building, involving an expenditure of one hundred thousand dollars or more, shall provide, among other appropriate terms, that no person shall be appointed "clerk-of-the-works", "resident engineer" or "resident inspector" of such projects who does not possess the minimum qualifications necessary for appointment as clerk-of-the-works of a public building project subject to the provisions of Sections 30A and 30J, inclusive, of M.G.L. Chapter 7, as specified in Section 30C thereof. The Town board, committee, commission or department letting such contract shall require candidates for appointment as "clerk-of-the-works," "resident engineer" or "resident inspector" of the project to provide the board, committee, commission or department aforesaid with satisfactory evidence of their professional qualifications and experience.

1.8.3 Before the solicitation of bids for the construction, reconstruction, alteration or enlargement of a Town-owned building, the Town board, committee, commission, or department charged with such construction, reconstruction, alteration or enlargement shall submit the plans therefor to the Town Inspection Department for review and for such recommended changes as may be necessary to bring such plans into conformity with applicable state and municipal building codes.

SECTION 1.9 ATTORNEYS AS SPEAKERS

Any person employed as an attorney by another interested in any matter under discussion at a Town Meeting shall disclose the fact of his employment before speaking.

SECTION 1.10 APPROPRIATIONS-INFORMATION RELATIVE TO BALLOT QUESTIONS

The Town Meeting may appropriate, and authorize the expenditure of, town funds for the purpose of providing the voters of the town with factual information relative to measures to be voted upon at elections in the town. Measures, as used in this section, shall both mean measures submitted to the voters for acceptance or rejection under the Town Charter, as amended, or any other law, but shall not include a new or revised charter or charter amendment proposed by a Charter Commission, or a measure requiring discussion in the Information for Voters published by the Secretary of the Commonwealth, or any measure placed upon the ballot by a state general law not relating to the organization, powers, duties, obligations and finances of the Town.

SECTION 1.11 ELECTION OF OFFICERS

1.11.1 The Town, at its annual town election of officers, shall in every year when the term of office of any incumbent expires, and except as otherwise provided by law, choose by ballot from its registered voters the following town officers for the following terms of office:

(a) Five Selectmen for a term of three years.

(b) Seven members of the School Committee for a term of three years.

(c) A Moderator for a term of one year.

(d) A Town Clerk for a term of three years.

(e) Five members of the Park & Recreation Commission for a term of three years.

(f) Two Constables for a term of three years.

(g) Three Assessors for a term of three years.

(h) Three Commissioners of Trust Funds for a term of three years.

(i) Seven Trustees of the Needham Public Library for a term of three years.

(j) Five Trustees of Memorial Park for a term of three years.

(k) Three members of the Board of Health for a term of three years.

(l) Five members of the Planning Board for five year terms, so arranged that the term of not more than one member shall expire each year.

(m) Four members of the Needham Housing Authority for five year terms, so arranged that the term of not more than one member shall expire each year.

1.11.2 In all cases, except for the Planning Board and Housing Authority, where three or more members of a board or commission are to be elected for terms of more than one year, as nearly 1/3 as possible, shall be elected annually.

SECTION 1.12 TOWN FINANCE AND EXPENDITURES

1.12.1 Finance Committee. There shall be a Finance Committee consisting of nine registered voters, none of whom shall be Town officers, agents or employees. The Moderator shall annually appoint three members to serve for three years. Said committee shall choose its own chairman and secretary. Vacancies on said committee may be filled at any time by the Moderator. All Articles of the Warrant calling for appropriations shall be referred to this committee. It shall examine and study the budgets submitted by various Town departments; shall, from time to time, throughout the fiscal year, inquire into the expenditures and commitments of each department; and shall immediately report to the Selectmen whenever the expenditures of any department are exceeding or are likely to exceed its appropriations.

1.12.2 The Committee shall have access to all facts, figures, records and other information relating to all Town departments, boards, committees or officers; and such information shall be furnished immediately by any department, board, committee, officer or employee when requested by the Committee.

1.12.3 The Committee shall report in print or otherwise to all Town Meetings. For the information of voters, the report to the Annual Town Meeting shall be printed, together with the motion substantially in the form to be proposed in connection with each article, in the warrant of said meeting. In its motion, or motions, the Finance Committee shall divide the proposed appropriation for each department into a sufficient number of items to separate the major classifications of expenditures.

1.12.4 The Selectmen, all departments, boards, committees or officers authorized by law to expend money shall furnish to the Town Administrator and the Finance Committee, on or before the first day of December of each year, detailed estimates of the amounts necessary for the proper maintenance and administration of the several departments under their jurisdiction for the ensuing fiscal year. Detailed estimates shall be itemized satisfactory to the Finance Committee.

SECTION 1.13 APPROVAL OF EMPLOYEE CONTRACTS

1.13.1 Section 1.13 is enacted in the exercise by the Town Meeting of its authority to establish its own rules of Town Meeting procedure under M.G.L. Chapter 39, Section 15, as from time to time amended, and in the exercise of its customary and traditional liberties under Section 1 of the Home Rule Amendment.

1.13.2 As used herein, the term "employer" shall mean the Board of Selectmen or such other town officer or board as they may from time to time designate to undertake the negotiation of collective bargaining agreements on behalf of the Town, acting pursuant to M.G.L. Chapter 150E, as from time to time amended.

1.13.3 When a collective bargaining agreement has been signed by the employer with any organization of town employees under said Chapter 150E, the employer shall promptly provide to the Personnel Board and to the Finance Committee (1) a copy of said agreement, (2) a copy of the motion to be presented to the Town Meeting proposing an appropriation or appropriations to fund the cost items of said agreement (as defined in said Chapter 150E), and (3) any explanatory or other information relevant to said agreement which said Board or Committee may request. Said Board and said Committee shall report their respective recommendations to the Town Meeting as to whether or not the motion to appropriate for the funding of cost items in the collective bargaining agreement ought to be adopted.

1.13.4 The motion to be presented to the Town Meeting under Sub-section 1.13.3 above shall be offered in such standard form as determined by the Finance Committee after consultation with the Board of Selectmen and the Personnel Board. Said motion shall identify clearly the

collective bargaining agreement to be funded and the amount or amounts to be appropriated in such a way that Town Meeting members will know what agreement is to be funded, how it is to be funded, and what is the grand total of the cost items to be funded in relation to said agreement. Prior to consideration by the Town Meeting of any motion to fund the cost items of a collective bargaining agreement, the employer shall provide Town Meeting members with a fair and concise summary of said agreements and information as to the amount of the appropriation or appropriations being requested to fund the same.

1.13.5 A motion to fund the cost items of a collective bargaining agreement, once introduced upon the floor of Town Meeting, shall be amendable only upon a motion to amend offered by or on behalf of the employer or the Finance Committee for the purpose of correcting an error. No other motion to amend shall be admissible. The motion to fund, so corrected if necessary, shall be voted or rejected by the Town Meeting. No motion in relation to collective bargaining agreement will be admissible which the Moderator, after consultation with Town Counsel, determines to be in contravention of M.G.L. Chapter 150E.

1.13.6 The Personnel Board and the Finance Committee shall have legislative oversight to monitor the collective bargaining process on a continuing or intermittent basis, and to make recommendations relative thereto to the employer from time to time, provided, however, that such monitoring does not infringe upon the powers and actions reserved to the employer under M.G.L. Chapter 150E. The Personnel Board shall provide such information and assistance to the employer as the latter may request in relation to collective bargaining.

SECTION 1.14 SPECIAL COMMITTEES

1.14.1 Special committees established or continued by vote at an annual or special town meeting, and instructed to report to a subsequent annual town meeting, shall file their reports in writing with the Selectmen not later than the first Monday of February preceding the Annual Town Meeting which they report, and said reports shall be printed and included as appendices to the report of the Finance Committee to the Town at the Annual Town Meeting.

1.14.2 The chairman of each temporary study committee established by the town meeting shall, upon the termination of the existence and the work of his committee, deposit with the Town Librarian the working papers and other material gathered or compiled by the committee in the course of its work. Subject to the approval of the Town Clerk and the requirements of M.G.L. Chapter 66, the Town Librarian may destroy that portion of the working papers and material having no substantial value, with the balance being deposited in the public administration collection.

SECTION 1.15 TOWN MEETING WARRANTS

The last date on which the Board of Selectmen shall receive articles, by petition or otherwise, for inclusion in the warrant for the next Annual Town Meeting shall be the first Monday in February. The Board of Selectmen are not prohibited from inserting in the warrant for said Annual Town Meeting, after that date, articles which, in the Board's opinion, are of such importance to the welfare of the Town as to make their consideration at such meeting necessary or desirable.

ARTICLE 2

TOWN ADMINISTRATION AND ORGANIZATION

SECTION 2.1 GENERAL

2.1.1 **Salaries.** No elected Town officer shall hold a salaried position under a board of which such officer is a member. No contract for materials or property of any kind shall be made on behalf of the Town by any such board with any of its members.

2.1.2 **Payment Over of Fees.** On and after January 1, 1946, all Town officers, except constables, shall pay all fees received by them by virtue of their office, into the Town treasury.

2.1.3 **Contract Procedures.** The Town is authorized to solicit, award and enter into certain types of contracts for periods exceeding three years but not to exceed the time period specified as follows, including any renewal, extension or option provisions:

	YEARS
Lease of public lands and buildings	10
Lease of any equipment	10
Lease purchase of any equipment	10
Maintenance agreements for equipment, buildings or grounds	5
School transportation	5
Purchase of oil and fuel	5
Lighting	10
Sewer and disposal contracts	30
Incineration, composting garbage, recycling	20
Water supply construction	20
Water supply	20
Water studies	10
Environmental studies and consultants	10

SECTION 2.2 BOARD OF SELECTMEN

2.2.1 Town Administrator

2.2.1.1 There shall be a Town Administrator who shall be appointed by the Board of Selectmen based, in part, upon education, training, and professional experience in full-time public administration and who shall not be an elected office holder of the town. The Town Administrator shall be responsible directly to the Board of Selectmen for performance of the duties and obligations given to the Town Administrator by by-law, by town meeting vote or by delegation from the Board of Selectmen.

2.2.1.2 The Town Administrator shall be responsible for effective and professional administration of the financial and personnel affairs of the town as described herein. In order to carry out these duties, the Town Administrator shall be assisted by the Finance Director and the Personnel Director, who shall be under the Town Administrator's immediate supervision and direction.

2.2.1.3 On or before the first day of December of each year, the Town Administrator shall, under the direction of the Board of Selectmen, develop detailed estimates of all Town revenues for the ensuing fiscal year, along with the assumptions relating thereto. These estimates shall be presented in writing to the Finance Committee in conjunction with the departmental spending estimates. Subsequent to this date, the Town Administrator shall amend or otherwise revise these revenue estimates according to such information as may warrant such changes. All such revised estimates shall be provided to the Finance Committee in writing, as soon as possible.

2.2.1.4 **Financial Administration.** The Town Administrator shall be responsible for keeping full, complete, and current records of the financial and administrative activities of the town and shall render a full report to the Board of Selectmen and the Finance Committee at the end of the fiscal year and otherwise as the Board of Selectmen may require.

The Town Administrator shall keep the Board of Selectmen and the Finance Committee informed as to the financial condition and needs of the town and shall make recommendations to the Board of Selectmen as the Town Administrator deems necessary or expedient.

2.2.1.5 **Personnel Administration.** The Town Administrator shall be responsible for administration of the Town Consolidated Personnel By-Law, Article 9, including the implementation and administration of the wage and classification plan; personnel evaluation policies and practices; administration of employee benefits; labor relations, including the enforcement of labor contracts; and compliance with state and federal equal opportunity laws, including Affirmative Action. The Town Administrator shall be assisted in this execution of these duties by the Personnel Director in accordance with the Consolidated Personnel By-Law.

2.2.2 Town Counsel

The Selectmen shall act as Town agents and have authority as agents and officers of the Town to appoint and employ a Town Counsel, who shall act as attorney and counsel for the Town and the various officers and boards thereof, to institute and prosecute suits in the name of the Town, to defend suits brought against the Town, and to compromise and settle suits and claims, unless otherwise ordered by special vote of the Town.

2.2.3 Town Treasurer and Tax Collector

2.2.3.1 **Town Treasurer.** The Town Treasurer shall prosecute proceedings under the provisions of M.G.L. Chapter 60 for the foreclosure of the right to redeem lands purchased, taken or held by the Town for the nonpayment of taxes.

2.2.3.2 The Town Treasurer shall have the custody, management and sale of all lands held by the Town under a tax collector's deed, or a taking of land for taxes after the title of the Town has become absolute by the foreclosure of the right of redemption according to law, or under a deed to the Town by the owner of the equity of redemption given in lieu of foreclosure proceedings. The Town Treasurer is authorized and empowered with the approval of the Selectmen, in the name and on behalf of the Town, to sell such lands at public auction or pursuant to the procedures permitted by M.G.L. Chapter 30B, and to execute, acknowledge and deliver proper deeds for that purpose. Notice of any sale by auction shall be published in a newspaper published in the Town for three consecutive weeks, the first publication to be not less than twenty-one days before the sale.

2.2.3.3 The provisions of the Sub-section 2.2.3.2 shall not apply to land which the Town has authorized to be used for municipal purposes. Prior to sale of such land, any person legally entitled thereto shall be granted the right to redeem property acquired by the Town as aforesaid, notwithstanding the foreclosure of the right of redemption, upon the payment of the amount due the Town, including the interest and costs. This right to redeem must be exercised within two years of the date when the title of the town has become absolute, either by the foreclosure of the right of redemption according to law, or by a deed to the Town by the owner of the equity of redemption given in lieu of foreclosure proceedings.

2.2.3.4 **Interest Charges - Past Due Bills.** The due dates for the payment of all municipal charges and bills shall be 30 days after the charge or bill is issued by the Town, unless otherwise specified by a general law or special act of the Commonwealth. Interest accrues at the same rate as charged on tax bills under the provisions of M.G.L. Chapter 59, Section 57. The Board of Selectmen shall have the authority to abate any such interest charges, in whole or in part.

2.2.3.5 **Tax Collector.** The Collector of Taxes shall collect, under the title of Town Collector, all accounts due the Town.

2.2.4 Public Works Department

2.2.4.1 **Appointment of Town Engineer.** The Selectmen annually in April shall appoint a Town Engineer, who shall have authority to appoint such assistants as the Town engineering work requires, subject to the approval of the Selectmen. The Town Engineer shall have charge of all Town Engineering and shall, except as provided in Sub-section 2.2.4.2.1, have charge of and shall preserve, arrange, and index and make readily accessible to the public all plans, surveys, field notes, records, documents and inventories connected with the Engineering Department of the Town; and the Town Engineer shall keep accurate records showing, in detail, the operation and the cost of the department with a fair and equal distribution of such cost among the several departments in proportion to the amount of work done for each. The Town Engineer shall each year submit to the Selectmen, in time for publication in the Annual Town Report, a statement showing in detail the work of the Engineering Department for the year and the names and compensation of all persons employed thereby. The Selectmen shall have the power to remove the Town Engineer at any time and appoint a successor.

2.2.4.2 Highways

2.2.4.2.1 **Assignment of Street Numbers.** All buildings on or near the line of public or private ways shall be assigned a number or numbers by the Board of Selectmen, who shall assign odd numbers for one side of a way and even numbers for the opposite side of such way. Said assigned numbers, which shall not be less than 2 1/2 inches high with 1/2-inch stroke, shall be placed in a conspicuous place on said building or buildings by the owner or occupant within thirty days from the time when notice is given by said Board to the owner or occupant of the number or numbers assigned to said building or buildings.

The owner and occupant of each building in the Town to which a number has been thus assigned shall maintain said number on said building at all times in such a manner that the number will be clear and conspicuous and the view of said number is not obstructed, provided that the fine imposed by Section 10.1 shall not apply to violations of this section.

2.2.4.2.2 **Acceptance of New Streets.** In connection with specifications for new streets and ways through private property:

(a) A plan and profile of every such street or way shall be filed in the office of the Selectmen, who shall approve or establish the grade thereof.

(b) Every street or way shall be at least forty feet in width and have a road bed not less than twenty feet in width.

(c) All loam shall be removed from the road bed to a depth of twelve inches below finished grade and from the sidewalk to a depth of six inches, or such greater depth as may be required by the Board of Selectmen.

(d) The entire area of every new street shall be first cleared of all stumps, brush, roots, and like material and all trees not intended for preservation.

(e) All excavation or embankment work shall be brought accurately to a subgrade of not less than eight inches for the roadway and four inches for the sidewalk below finished grade, or such greater depth as the nature of the subsoil, in the opinion of the Board of Selectmen, may require.

(f) All corners of intersecting streets or ways shall be rounded as approved by the Board of Selectmen.

(g) The bottom of the excavation and the top of the fill when completed, hereinafter known as the subgrade, shall be true to the lines, grades and cross-sections given by the Board of Selectmen. After all drains have been laid and the subgrade has been shaped correctly, it shall be brought to a firm, unyielding

surface by rolling the entire area with an approved three (3) wheeled roller, weighing not less than ten (10) tons. Any portion of the subgrade which is not accessible to a roller shall be thoroughly tamped by hand. All soft and yielding material and other portions of the subgrade which will not compact readily when rolled or tamped shall be removed and replaced with suitable material. All rock or boulders found in the excavation shall be taken away or broken off to a depth of not less than six (6) inches below the surface of the subgrade. The bottom of the base course shall be spread with dry, clean 1 1/4-inch to 2 1/2-inch stone over the bottom course, in such a quantity that after being rolled there will be a depth of not less than 2 1/2 inches and not more than 3 inches, and then shall be rolled until the stone does not creep under action of the roller. One and three-fourth gallons of tar or asphalt binder shall then be applied to each square yard of road surface. Dry, clean 3/4-inch stone shall be spread evenly over the surface, rolled thoroughly; and there shall then be applied to this surface 1/2 gallon of asphalt binder per square yard, which shall be covered with dry, clean pea stone and rolled until a smooth, unyielding surface results.

2.2.4.2.3 **Petition for Acceptance of New Streets.** All streets to be accepted by the Town must be petitioned for not later than six months prior to the start of the Town Meeting at which such petition is to be acted upon. No streets shall be accepted by the Town unless constructed in compliance with the foregoing specifications.

2.2.4.2.4 **Notice of Opening of Streets.** It shall be the duty of all officers of the Town, at or before the time when they decide upon action which will involve opening any street or way, except in case of emergency, and as long before such opening as is practicable, to notify the Board of Selectmen in writing of such contemplated action. It shall be the duty of the Selectmen when they decide to rebuild or extensively repair any street or
way, as long before such rebuilding or repair as is practicable, to give notice in writing of such proposed action to the Board of Water Commissioners, and to such other officers of the Town, if any, likely to have occasion to open such ways or streets.

2.2.4.2.5 **Street Occupancy Permit.** Except as herein provided, a Street Occupancy Permit, issued by the Director of Public Works, in such form and content as said Director may require, must be obtained before undertaking any work, including, without limitation, construction, repair, maintenance or reconstruction work, in, within or affecting a public way. The person responsible for such work or in charge of those performing such work shall review such work with the Director of Public Works and the Police Chief, or their designees, to determine whether or not such work will result in the disruption of the normal flow of traffic or cause a safety hazard to pedestrian or vehicular traffic. If the Director of Public Works and the Police Chief, or their designees, determine that such work will result in the disruption of a normal flow of traffic, or will create a safety hazard to pedestrian or vehicular traffic, the person responsible for such work, or in charge of those performing such work, shall follow the safety precautions ordered by the Director of Public Works and the Police Chief, or their designees, including but not limited to, the hiring of a Needham Police Officer, under the existing regulations governing privately paid police details, to direct traffic and minimize the vehicle safety hazards connected with such work.

No work shall be commenced in, within or affecting a public way until those persons responsible for such work comply with the requirements of Sub-section 2.2.4.2.5. The Town of Needham is exempt from the requirements of this sub-section. Whoever violates the provisions of Sub-section 2.2.4.2.5 shall be subject to a fine not exceeding one hundred dollars ($100.00).

The Chief of Police or Director of Public Works, or their respective designees, are hereby authorized to stop any work on any way conducted in violation of any provision of this sub-section.

2.2.4.2.6 **Removal of Snow and Ice.** The Director of Public works may, for the purpose of removing or plowing snow, or removing ice from any way, remove, or cause, to be removed to some convenient place, including a public garage, any vehicle interfering with such work, and impose liability for the cost of such removal and of resulting storage charges, if any, upon the owner of such vehicle.

2.2.4.2.7 **Street Intersections.** At each intersection of public or private streets or ways in the Town, there shall be a clearance area consisting of the triangular area formed by the side lines of the intersecting streets or ways and a line joining each side line at a point twenty-five (25) feet distant from the point of intersection or, in case of rounded corners, from the point at which the side lines would intersect if projected. In case of uncertainty as to the point of intersection of such projected side line, the Town Engineer shall certify to the Selectmen the clearance area drawn in accordance with the foregoing provisions. No fence or other structure, shrubbery, foliage, hedge, tree or the like which interferes with sight lines across such clearance area and thereby limits or obstructs the view of vehicular traffic entering such intersection shall be erected, planted, maintained or allow to exist, provided, however, that Sub-section 2.2.4.2.7 shall not apply to buildings in violation of the Town Zoning By-Law.

2.2.4.2.8 **Construction and Maintenance of Overhead Poles**

Any person, firm, corporation or partnership, or their agents and employees, granted any license, permission or other authority to construct or maintain poles and overhead wires and associated overhead structures upon, along, under or across any public way or ways, is forbidden from installing or constructing, and shall remove immediately, any poles, overhead wires and associated overhead structures which are located on, along or across Chestnut street between its intersection with School Street and the railroad bridge at Needham Junction.

2.2.4.3 <u>Sewers</u>

2.2.4.3.1 The Department of Public Works may require house connections to sewer mains within five years after the laying of such mains. This provision shall apply only to mains laid after March 18, 1940.

2.2.4.3.2 Plans and descriptions of all common sewers belonging to the Town, with a true record of the charges of making and repairing said sewers and all assessments therefor, shall be kept in the office of the Sewer Department under the care and in the custody of the Sewer Commission.

2.2.4.3.3 Whenever a sewer bill remains outstanding after forty-five (45) days from the billing date, a penalty of 10% or five dollars ($5.00), whichever is greater, shall be charged, such penalty to be added to the sewer bill. If the bill remains unpaid, it shall be added to the real estate tax bill as a sewer lien. The procedure for the enforcement of said lien shall be the same procedure for enforcing unpaid water liens set forth in M.G.L. Chapter 40, Sections 42A to 42F, inclusive.

2.2.4.4 <u>Miscellaneous</u>

2.2.4.4.1 **Wells, Cisterns and Cesspool Protection.** The owner of any premises within the Town on which a well, cistern or cesspool is located, or, if the premises are in the exclusive possession of a person other than the owner, such person having possession of said premises, shall cause each such well, cistern or cesspool to be protected at ground level by masonry and a metal cover, or by such other substantial protective materials as may be approved by the Town's Director of Public Works.

The owner of premises within the Town on which a well, cistern or cesspool is located, or, if the premises are in the exclusive possession of a person other than the owner, such person having possession of said premises, shall cause each such well, cistern or cesspool, the use of which has been discontinued, to be filled in to ground level with material commonly used as fill, or, in the case of a well or cistern, with the approval of the Town's Director of Public Works, covered with masonry in a substantial and safe manner. Such filling or masonry work, as the case may be, shall be performed as to wells, cisterns, and cesspools, the use of which has been discontinued prior to the effective date of Sub-section 2.2.4.4.1, immediately following said effective date, and as to wells, cisterns, and cesspools, the use of which shall be discontinued subsequent to the effective date of Sub-section 2.2.4.4.1, immediately following such discontinuance of use.

2.2.5 Data Processing

2.2.5.1 Purpose. It is hereby declared to be the policy of the Town of Needham that there shall be a Data Processing Center (within the Department of Finance) that shall be responsible for providing services and systems to all Town offices and departments. It is further declared that, subject to statutory provisions to the contrary, and insofar as practical, all data processing services and systems shall be centralized in the Data Processing Center, under the control of the Selectmen or their designee.

2.2.5.2 Organization. There is hereby created a department of the Town government to be known as the Data Processing Center which shall be part of the Department of Finance of the Town. In addition, there shall be an advisory board as described below. The Center's operations shall be under the management and control of the Board of Selectmen, through the Director of Finance or their designee. The Advisory Board shall serve in an advisory capacity for all long-range planning and capital acquisition functions.

2.2.5.3 Data Processing Advisory Board

(a) There shall be a Data Processing Advisory Board (hereinafter called the Board) consisting of not fewer than five (5) members, appointed by the Selectmen, and consisting of the following: The Director of Finance, the Manager of Data Processing Operations and no less than three (3) members at-large who shall not be full-time employees of the Town. One (1) member shall be nominated by the Finance Committee. At least two (2) of the three (3) at-large members shall possess technical knowledge and experience in the field of electronic data processing systems, equipment, services and applications.

(b) The at-large members of the Board shall serve for three (3) year terms, on a staggered basis, so that at least one (1) member will be appointed each year. In the event of a vacancy other than the normal expiration of the term of a member of the Board, the Selectmen shall, within ninety (90) days after the vacancy occurs, appoint a successor to serve for the balance of the unexpired term.

(c) Meetings of the Board may be held quarterly, but not less than four (4) times each calendar year, provided however, that the Director of Finance, the Chairman or a majority of the Board may call a meeting at other reasonable times. Four (4) members of the Board shall constitute a quorum at all meetings.

(d) The Board shall, within thirty (30) days after the annual appointment, elect from its membership a chairman, vice-chairman and secretary, each of whom shall serve during the ensuing year and until a successor is duly elected and qualified. The chairman shall not be an employee of the Town.

2.2.5.4 Data Processing Center

(a) The Director of Finance, with the approval of the Board of Selectmen, may appoint a Manager of Data Processing Operations who shall supervise the daily data processing operation.

(b) It shall be the responsibility of the Data Processing Center, through the Director of Finance and the Manager of Data Processing Operations, to provide data processing services for all Town offices and departments to the extent possible and practical. The Data Processing Center will attempt to accommodate all requests from all departments whenever economically feasible and within the limits of the equipment capability and capacity of the Town's resources. All municipal departments shall cooperate to the fullest extent with the Data Processing Center personnel, including the Director of Finance and the Manager of Operations, provided, however, that there is no conflict with the execution of the lawful, proper or necessary conduct of the department's duties as provided by any Federal, State, or Local law, by-law, rule or regulation.

(c) The Director of Finance, with the assistance of the Manager of Operations and the Advisory Board, consistent with M.G.L. Chapter 41, Section 23D, and all fiscal and budgetary requirements, may cause to be brought together under the jurisdiction of the town's budgetary systems and all data processing systems and services in the several offices and departments into one centralized system or unit of operations as soon as such can practically be accomplished.

(d) Each office or department of the Town utilizing any service provided by the Data Processing Center covered by Sub-section 2.2.5.4 shall have such control over the data supplied to, and received from, such center as such office or department finds necessary to conduct its own affairs.

(e) Security of data, issuance of reports, extracts from data files, form control, operations, commitments, costs of services (when appropriate or necessary), training and user approvals as they relate to the Data Processing Center shall be considered appropriate subjects covered by rules and regulations promulgated by the Director of Finance with the assistance of the Manager of Operations and the Advisory Board.

2.2.5.5 Confidentiality

(a) Although municipal records are generally of a public nature, it is recognized that certain data to be processed through the Center is of a classified or confidential nature. The Department head of any board, commission or other official tribunal having control of such classified or confidential data shall notify the Director of Finance in writing of the classified or confidential nature of the data; and the Director of Finance shall take the necessary steps to protect such classified or confidential data.

(b) No person shall disclose or make known in any manner the contents or nature of any data while in the custody of the Center for processing, or any data originated by the Center, without the express consent of the Director of Finance or his duly authorized representatives, or without the express consent of the head of the department, board, commission or other official tribunal supplying the basic information; nor shall any person tamper with, change, alter or destroy any data while in the custody of the Center, except in accordance with approved programs for processing the data. Whoever violates any provision of Sub-section 2.2.5.5 shall be subject to appropriate disciplinary action.

2.2.6 Independent Audit

The Selectmen may annually employ a certified public accountant to make audits of the accounts of the Town provided an appropriation is made therefor.

SECTION 2.3 CAPTIAL IMPROVEMENTS BUDGETS

2.3.1 The Town Administrator shall be authorized to direct all departments to submit their capital budget requests in a form and on a schedule established by the Board of Selectmen.

2.3.2 The Town Administrator shall submit annually to the Board of Selectmen a five-year capital improvements program to include: (a) a list of all capital improvements proposed to be undertaken during the next five years, together with supporting data; (b) cost estimates, methods of financing, and recommended time schedule; and (c) the estimated annual cost of operating and maintaining any facility to be constructed or acquired. The Town Administrator shall be assisted in development of the capital improvements plan by the Finance Director. The first year of the Capital Improvements Program shall constitute the proposed capital improvements budget for the coming fiscal year and the ensuing four years of the plan are included for planning purposes.

2.3.3 The Board of Selectmen shall review the proposed capital improvements budget and make such changes as it considers necessary to reflect its stated policies and program objectives. It shall return the proposed budget and plan to the Town Administrator for presentation to the Finance Committee for its review on or before a date agreed upon by the Finance Committee, which shall in no event be less than 120 days prior to the Annual Town Meeting.

2.3.4 The Finance Committee shall review the proposed capital improvements budget as submitted by the Town Administrator and make such changes as it considers necessary. The proposed capital improvements budget shall be included in the report of the Finance Committee to the town at the Annual Town Meeting.

SECTION 2.4 PLANNING BOARD

2.4.1 **Installation of Water Mains.** Every person making or opening subdivision of land in the Town shall, at his own expense, make such provisions for the development of streets therein, including the construction and drainage thereof, and the installation of water mains therein, as may be required by the Planning Board. Such street development and construction shall be in accordance with specifications therefor which the Selectmen shall from time to time adopt and water mains shall be installed only in a manner approved by the Selectmen. The Planning Board may require a proper bond with an adequate surety or sureties to secure performance of requirements of Sub-section 2.4.1.

2.4.2 **Drainage.** Every person constructing a street or way to public travel within the Town shall at his own expense make such provisions for the drainage of such street or way, and the territory contiguous thereto, as may be required by the Planning Board. The Planning Board may require a proper bond with an adequate surety or sureties to secure performance of its requirements of Sub-section 2.4.2.

SECTION 2.5 BOARD OF APPEALS

2.5.1 **Appointment By Selectmen.** There shall be a Board of Appeals consisting of three regular members and two associate members appointed by the Board of Selectmen. The three regular members shall be appointed for three years and in such a manner that the term of one regular member shall expire each year.

2.5.2 **Associate Members.** The associate members shall be appointed by the Board of Selectmen for a term of one year. In case of a vacancy or the absence, inability to act, or interest on the part of a regular member of the Board of Appeals, that place may be taken by an associate member designated by the Chairman or acting Chairman.

2.5.3 **Statutory Authority.** Said Board of Appeals shall be the board of appeals, required under the provisions of M.G.L. Chapter 40A, Section 14, and Chapter 41, Section 81Z, and shall have all powers and duties and shall be governed by the procedure prescribed in all provisions of the general laws applicable to boards of appeals and to applications for special permits or for variances, arising under either the Building By-Laws or the Zoning By-Laws, and shall have jurisdiction of all appeals under the Subdivision Control Law.

2.5.4 **Adoption of Rules.** The Board of Appeals may adopt rules consistent with the provisions of M.G.L. Chapter 40A, Section 14 and Chapter 41, Section 81Z, and provisions of the Building or Zoning By-Laws, for conducting its business and otherwise carrying out the purposes of said by-laws, the Subdivision Control Law and all applicable statutes.

SECTION 2.6 BOARD OF HEALTH

2.6.1 **Transportation of Refuse and Garbage.** No person shall carry in or through any of the streets, squares, courts, lanes, avenues, roads, places or alleys within the Town of Needham, any house dirt, ashes or garbage, or other refuse or garbage, or any grease or bones or any refuse substances from any dwelling houses or other buildings or places in the Town, except upon such terms and conditions as the Board of Health may deem in the health and interest of the Town.

2.6.2 **Disposal of Refuse and Garbage.** No person shall litter or, without a license from the Board of Health, dispose of any refuse on or in any public land, way, sidewalk, pond, stream, brook or watercourse or on any private land.

Any person who violates any provision of Sub-section 2.6.2 in the presence of a police officer may be arrested by such officer without a warrant, if such person refuses to give his true name and address or to remove any substance unlawfully discarded by such person after having been requested by such officer. Any person who violates any provision of Sub-section 2.6.2 shall be punished by a fine not exceeding two hundred dollars ($200.00) for each offense.

SECTION 2.7 SPECIAL COMMITTEES AND COMMISSIONS

2.7.1 Transportation Committee

2.7.1.1 There is hereby established a Transportation Committee, which shall serve under the supervision of the Board of Selectmen as Town Agents. The said Committee shall consist of five members appointed as hereinafter provided, a simple majority of whom shall constitute a quorum for the transaction of business, and of the members of the General Court, whose districts include all or part of Needham, serving ex officiis as non-voting members. Of the five appointed members aforesaid, two shall be appointed by the Selectmen, two shall be appointed by the Planning Board and one shall be appointed by the Moderator, each such appointee to serve for a term of three years; provided, however, that of the members originally appointed, one shall serve for a term of one year, two for a term of two years and two for a term of three years, as the Selectmen shall determine. If any appointed member shall resign or otherwise vacate his office, a successor shall be appointed by the appropriate authority to serve for the balance of the unexpired term.

The Committee shall, annually in April, elect from its membership a Chairman and such other officers it deems necessary and desirable.

2.7.1.2 **Duties of the Committee.** The Transportation Committee shall conduct continuing studies of the mass transportation needs of the Town, with particular emphasis upon commuter transportation. It shall make such special studies relative to transportation problems as the Selectmen or Town Meeting may, from time to time, direct.

2.7.2 Building Committees

2.7.2.1 The Town Clerk shall maintain a register of Town Building Committee members, and of architects and clerks-of-the-works (resident engineers or inspectors) of projects for the construction, reconstruction, alteration or enlargement of Town-owned buildings. The Town Clerk shall maintain said register in such form as the Town Clerk, in consultation with the Board of Selectmen, may determine and such register may be purged from time to time of such information as the Town Clerk determines to be obsolete and of no further value.

2.7.2.2 Except as the laws of the Commonwealth may otherwise require, the chairman of each building committee, or his designated representative, shall, upon the termination of the existence and work of his committee: (1) provide the Town department which is to operate and maintain the building with a complete, corrected final set of plans of the finished structure, and shall relinquish to said department all papers guaranteeing the structure of any feature thereof, material used therein, or work done thereon; and (2) relinquish the remaining papers of said committee to the Town Librarian for the purpose specified in Sub-section 2.7.2.1, including any inventory indicating what papers, materials and records were deposited with the Town department specified. Subject to the approval of the Town Clerk and the requirements of M.G.L. Chapter 66, the Town Librarian may destroy that portion of the material relinquished to the Library determined to have no substantial value, the balance of such material being deposited in the Public Administration Collection.

SECTION 2.8 PUBLIC LIBRARY

2.8.1 **Public Administration Research Collection at the Public Library**

There is hereby established, and there shall hereafter be maintained, a Public Administration Research Collection at the Town's Public Library, under the supervision of the Librarian, for the use of the town officers and committees, civil organizations and individual citizens of the Town engaged in research in matters pertaining to governmental and social problems, particularly relating to the Town of Needham. To the extent that the facilities permit, library employees shall assist the members of the Town Meeting and any committee thereof in all matters requiring statistical research or fact-finding, in connection with studies ordered by the Town Meeting.

2.8.2 The Town Clerk shall furnish the Town Librarian with at least two copies of every publication issued by the Town and distributed through the Town Clerk's office. Any town department, board, commission or committee publishing a report not so distributed shall file at least two copies of such report with the Town Librarian.

SECTION 2.9 COUNCIL ON AGING

2.9.1 There is hereby established a Council On Aging, consisting of a representative nominated by each of the following Town boards and committees: the Board of Health, the School Committee, the Trustees of the Needham Public Library, the Housing Authority, and the Park and Recreation Commission, and not fewer than seven additional members, all of whom shall be appointed by the Selectmen and shall hold office for a term of three years.

2.9.2 It is the duty of the Council:

(a) To identify the needs and concerns and strengths of Needham's elderly and retired persons and those approaching retirement age.

(b) To design, promote, coordinate or implement services and programs to meet these needs and concerns.

(c) To inform the community and enlist the support and participation of all citizens in this effort.

(d) To work in coordination with programs of the Executive Office of Elder Affairs of the Commonwealth of Massachusetts.

2.9.3 A simple majority of the members shall constitute a quorum for the transaction of any business of the council. The council shall elect from its membership such officers it deems necessary and desirable.

2.9.4 If any appointed member shall resign, or otherwise vacate his office, his successor shall be appointed in the same manner as described above to serve for the balance of the unexpired term.

SECTION 2.10 YOUTH COMMISSION

2.10.1 There is hereby established a Youth Commission consisting of six members. A simple majority of the members shall constitute a quorum for the transaction of any business of the Commission. The appointing authorities for said Commission shall be as follows: One by the Board of Selectmen, one by the Park and Recreation Commission, one by the Finance Committee, one by the Moderator, one by the Chief of Police, and one by the School Committee. On or before the first day of June in each year, the appointing authorities shall appoint to the Commission sufficient members to fill expiring terms, each member so appointed to serve until the first day of June of the third year thereafter, and until a successor is appointed and qualified, except that the original members shall be appointed for staggering terms, two members, one each to be appointed by the Board of Selectmen and the Park and Recreation Commission, serving for three years, two members, one each to be appointed by the Chief of Police and one by the School Committee, each serving for one year. Two members of the Needham High School Senior Class shall be appointed by the Superintendent of Schools, subject to the approval of the Commission, to act as consultants and advisors to the Commission. Said two Senior Class members shall serve for one year and until their successors are duly appointed and qualified.

2.10.2 It shall be the duty of the Youth Commission to study, define, and ascertain the needs and problems of the Needham youth, and take such action necessary to promote the mental, physical and social growth of the youth of Needham through the implementation of appropriate procedures.

SECTION 2.11 HISTORICAL COMMISSION

2.11.1 **Commission Members.** There shall be an Historical Commission of the Town of Needham, consisting of five (5) members, each of whom shall be a resident of the Town of Needham, appointed by the Board of Selectmen. Initially two (2) members shall be appointed for the term of three (3) years each, two (2) shall be appointed for the term of two (2) years each, and one (1) shall be appointed for a term of one (1) year. Thereafter, as the term for which the members were initially appointed expires, their successors shall be appointed for a term of three (3) years each. In the event of a vacancy occurring in the membership other than by the expiration of the term of a member, a successor to serve for the balance of the unexpired term shall be filled in the manner provided in M.G.L. Chapter 41, Section 11. Except for the initial appointments or an appointment to fill a vacancy, appointments shall be

made within thirty (30) days after adjournment of the Annual Town Meeting.

2.11.2 **Quorum**. At all meetings of the Historical Commission, three (3) members shall constitute a quorum.

2.11.3 **Officers**. The members of the Historical Commission shall annually, within thirty (30) days after the annual appointments are made by the Board of Selectmen, elect from its membership a chairman, a vice-chairman and a secretary who shall serve during the ensuing year and until the election of their successor. All other meetings of the members shall be held at such designated times and places as the members shall designate.

2.11.4 **Powers and Authority of the Historical Commission**. The Historical Commission may exercise all the powers, authority and functions authorized by M.G.L. Chapter 40, Section 8D, and may make reasonable rules and regulations to aid in the orderly performance of its powers, authority and functions consistent with said Section 8D and Sub-section 2.11.4.

ARTICLE 3

POLICE POWERS, AUTHORITY AND REGULATIONS

SECTION 3.1 GENERAL

3.1.1 **Grazing of Animals**. No owner or persons having the care of any horses, cows, or other grazing animals shall permit or allow them to roam at large or to graze on any street, lane, common square or other public place within this Town, nor permit any such animal to roam or stand upon any sidewalk within the Town.

3.1.2 **Obstruction of Sidewalks**. No person shall place, or cause to be placed, upon any public way or sidewalk, any lumber, wood, bale, box, crate, barrel, can, package or other thing, or allow the same to remain for more than one hour, or more than ten minutes after being notified to remove the same by a constable, police officer or Selectman.

3.1.3 **Coasting in Streets**. No person shall coast in any street or public way except those publicly designated for that purpose by the Selectmen.

3.1.4 **Use of Sidewalks**. No person shall ride, drive, draw or push any motorcycle, automobile, car, wagon or sled, except invalid's or children's hand carriages, over or upon any public footpath or sidewalk.

3.1.5 **Bicycles on Sidewalks**. No person shall ride a bicycle on any sidewalk within certain marked areas of Needham Square and Needham Heights Square business districts. The pushing or walking of a bicycle is not prohibited in such areas. For this purpose, the Police Chief, with the approval of the Board of Selectmen, shall establish the boundary limits of the sidewalks subject to Sub-section 3.15 by appropriate markings on the sidewalks or other signs.

3.1.6 **Loitering**

3.1.6.1 Whoever continues to stand, sit, or loiter in or about any street, sidewalk or any public place so as to obstruct the free passage of travelers or vehicles thereon, after being directed by a police officer to move on or disperse, shall be punished by a fine not exceeding fifty dollars ($50.00).

3.1.6.2 It shall be a breach of peace for any person to obstruct the free passage of travelers or vehicles. It shall be the duty of any police officer of the town to order any person so acting to move on and disperse. If the person so ordered does not immediately comply, the police officer shall remove or arrest and cause such person to be brought before a justice of the District Court of Norfolk County, Dedham, Massachusetts, upon a complaint made for a violation of the provision of Sub-section 3.1.6.1.

3.1.7 **Discharge of Firearms**. No person shall fire or discharge any firearm, or other explosive articles, within the limits of any park, playground, public way, public building or other property except with the consent of the Board of Selectmen, or hunt, or fire or discharge any firearm or other explosive articles, on any private property except with the written consent of the property's owner or legal occupant. Sub-section 3.1.7 shall not apply to the lawful defense of life and property, or to any lawful enforcement officer acting in the discharge of his duties.

3.1.8 **Dealing in Second-Hand Merchandise**. No person shall collect, deal in or keep a shop for the purchase, sale or barter of junk, old metals or second hand articles, within the limits of the Town, unless licensed by the Board of Selectmen.

3.1.9 **Snow and Ice on Sidewalks**. Any owner, tenant, occupant or agent in charge of property used wholly or in part for stores, offices, or other public place who places any snow or ice on a sidewalk on which such store, office or public place abuts, or allows snow and ice to remain on such sidewalk for more than five hours between sunrise and sunset, shall forfeit not more than ten dollars ($10.00) for each offense. If, through weather conditions the snow and ice is evenly spread over a sidewalk and frozen and therefore difficult to remove, it may remain until it can be more easily removed. While the snow and ice remain, however, the sidewalk must be kept in safe condition by sanding or otherwise.

3.1.10 **Consumption of Alcoholic Beverages**. No person shall possess or consume an alcoholic beverage as defined by M.G.L. Chapter 138, Section 1, as amended, within the limits of any park, playground, public land or public building owned or under the control of the Town of Needham, except with written permission of the appropriate controlling Town tribunal, nor shall any person consume alcoholic beverage as defined in Section 1, on any public way or any way to which the public has a right of access as invitees or licenses, including any person in a motor vehicle in, on or upon any public way or any way to which the public has said right of access, within the limits of the Town of Needham; and no person shall consume an alcoholic beverage as previously defined, in, on or upon any private land or place without the consent of the owner or persons in control of such private land or place.

Any person who violates Sub-section 3.1.11 may be arrested by a police officer without a warrant.

All alcoholic beverages being used in violation of Sub-section 3.1.10 may be seized and held until final adjudication of the charge against any such person or persons has been made by the court.

3.1.11 No person shall parade, hold a public meeting, march or congregate in any public way or public place, except in connection with a funeral, without a written permit from the Board of Selectmen.

3.1.12 **Licensed Hawkers and Peddlers**. No person, under M.G.L. Chapter 101, Section 22, shall sell or offer to sell items specified therein within 1,000 feet of any recreational area in organized use or within 1,000 feet of any school (public or private) during the hours that school is in session, nor until one hour after the closing of said school or schools. Such licensees shall not remain parked at any one location for a period of time exceeding ten (10) minutes, nor shall a bell, horn or other device to attract customers be used after the hour of 8:00 P.M. of any day.

3.1.13 **Fines**. Whoever violates the provisions of Sub-sections 3.1.1 through 3.1.13, shall be punished by a fine not

exceeding fifty dollars ($50.00) for each offense, unless otherwise provided.

SECTION 3.2 SALE OF FOOD

3.2.1 **Purpose.** Section 3.2 is for the purpose of promoting public health, safety, convenience, welfare and peace, controlling noise and protecting nighttime tranquillity.

3.2.2 **Hours of Sale.** No person shall sell any food at retail between the hours of midnight and 6:00 A.M., except during other hours as the Board of Selectmen may fix by special permit.

3.2.3 **Hours of Sale - Retail.** No store, restaurant, or place of business engaged in the retail sale of food shall be open for the transaction of retail business between the hours of midnight and 6:00 A.M. except during other hours as the Board of Selectmen may fix by special permit.

3.2.4 **Definition of Food.** The term food as used in Section 3.2 shall include any article or commodity, however stored or packaged, intended for human consumption, and shall include alcoholic beverages to be consumed off the premises at which they are sold, unless any other law, permit or license granted to the seller of such beverages shall otherwise provide.

3.2.5 **Fines.** Violators of Section 3.2 shall be subject to a fine of two hundred dollars ($200.00) for each violation. For the purposes of Section 3.2, every calendar day on which Section 3.2, or the terms of any special permit, is violated shall be a separate offense; and each separate sale of food shall be deemed a separate offense. In the event of a sale of several items at one time to one customer, only one sale shall be deemed to have taken place. This section may be enforced by the procedures of M.G.L. Chapter 40, Section 21D.

3.2.6 **Special Permit.** In cases where the purposes of Section 3.2 permit it, the Board of Selectmen may issue a special permit allowing a store, restaurant or place of business to open or remain open for the transaction of business at specified hours other than those required by Section 3.2 or to remain open 24 hours a day. Such special permits shall remain in effect for a period of one year, unless revoked sooner after notice to the licensee and an opportunity for a hearing, upon a finding by the Board of Selectmen that the special permit no longer furthers the purposes of Section 3.2. Application for such a permit shall be made on a form supplied by the Board of Selectmen and shall be accompanied by a non-refundable, reasonable fee determined by the Board of Selectmen.

SECTION 3.3 PENALTIES FOR IMPROPER USE OF BURGLAR ALARMS

3.3.1 Preamble - It is determined that the number of false alarms being made to the Needham Police Department hinders efficiency and lowers department morale. This situation constitutes a danger to the general public, homeowners, businesses and Needham police officers. The adoption of Section 3.3 will reduce the number of false alarms and promote the responsible use of alarm devices in the Town of Needham.

3.3.2 **Definitions**

(a) The term Burglar Alarm System means any assembly of equipment and devices or a single device such as a solid-state unit connecting directly to a 110 volt alternating current line arranged to signal the presence of a hazard requiring urgent attention and to which police are expected to respond. The provisions of Sub-section 3.3.4 shall apply to all users.

(b) The term False Alarm means (i) the activation of an alarm system through mechanical failure, malfunction, improper installation or negligence on the part of the user of an alarm system, or his employees or agents; (ii) any signal or automatic dialing device transmitted to the Police Department requesting, requiring or resulting in a response on the part of the Police Department when there has been no unauthorized intrusion, robbery, burglary or attempted threat. For the purposes of this definition, activation of alarm systems for the purpose of testing with prior approval by the Police Department, or by act of God, including but not limited to power outages, hurricanes, tornadoes, earthquakes and similar weather or atmospheric disturbances shall not be deemed to be a false alarm.

(c) The term Automatic Dialing Device refers to an alarm system which automatically sends via regular telephone lines, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of an emergency situation which the alarm system is designated to detect.

3.3.3 **Control and Curtailment of Signals Emitted by Alarm Systems**

(a) Every alarm user shall submit to the Police Chief his name, address and telephone number, and the names and telephone numbers of at least two other persons who are authorized to respond, after notification by the Police Department, to an emergency signal transmitted by an alarm system and who can open the premises in which the alarm system is installed. The owner of said premises shall immediately notify the Needham Police Department of any changes in the list of employees or other persons authorized to respond to alarms.

(b) All alarm systems, installed after the effective date of Section 3.3, which use an audible horn or bell, shall be equipped with a device that will shut off such bell or horn within (15) minutes after activation of the alarm system. All existing alarm systems in the Town of Needham must have such a shut-off device installed within six (6) months of passage of Section 3.3.

(c) Any alarm system emitting a continuous and uninterrupted signal for more than fifteen (15) minutes between 7 P.M. and 6 A.M. which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user, or those persons designated by him under paragraph (a) of Sub-section 3.3.3, and which disturbs the peace, comfort or repose of the community, neighborhood or a considerable number of inhabitants of the area where the alarm system is located, shall constitute a public nuisance. Upon receiving complaints regarding such a continuous and uninterrupted signal, the Police Department shall endeavor to contact the alarm user, or members of the alarm user's family, or those persons designated by the alarm user under Sub-section 3.3.3, in an effort to abate the nuisance. The Police Chief shall cause to be recorded the names and addresses of all complaints and the time each complaint was made.

(d) No alarm system which is designated to transmit emergency messages or signals to the Police Department will be tested until the Police Dispatcher has been notified.

(e) The provisions of Section 3.3 shall not apply to alarm devices on premises owned or controlled by the Town, nor to alarm devices installed in a motor vehicle or trailer.

3.3.4 **Penalties**

(a) The user shall be assessed twenty-five dollars ($25.00) as a false alarm service fine for each false alarm in excess of three (3) occurring within a calendar year. The Police Chief shall notify the alarm user by mail

or by service in hand by a police officer of such violation and said user shall submit payment to the Town Treasurer for deposit to the General Fund within fifteen (15) days of the notice.

(b) The owner of a system which causes six (6) or more false alarms within a calendar year, or who fails to pay the fee after said notice, may be ordered, by the Board of Selectmen, after a public hearing, to disconnect and otherwise discontinue the use of such system.

SECTION 3.4 HANDICAPPED PARKING

3.4.1 Requirements for Handicapped Parking Spaces

No person shall park a motor vehicle, motorcycle or any other means of transportation in a designated parking space reserved for vehicles owned and operated by disabled veterans or by other handicapped persons, unless said vehicle bears the distinctive number plates or a handicap placard furnished by the Registry of Motor Vehicles, authorized by M.G.L. Chapter 90, Section 2, or bears an official handicap plate or placard issued by any other state. Any person or body that has lawful control of a public or private way, or of improved or enclosed property used as off-street parking areas for businesses, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers or residential dwellings, or for any other place where the public has right of access as invitees or licensees, shall reserve parking spaces in said off-street parking areas for vehicles owned and operated by disabled veterans or handicapped persons whose vehicles bear any of the aforementioned means of identification authorized by M.G.L. Chapter 90, Section 2, according the following formulas:

If the number of parking spaces in any such area is more than fifteen but not more than twenty-five, one parking space; more than twenty-five but not more than forty, five percent of such spaces, but not less than two; more than forty but not more than one hundred four percent of such spaces, but not less than three; more than one hundred but not more than two hundred, three percent of such spaces, but not less than four; more than two hundred but not more than five hundred, two percent of such spaces, but not less than six; more than five hundred but not more than one thousand, one and one-half percent of such spaces, but not less than ten; more than one thousand but not more than two thousand, one percent of such spaces, but not less than fifteen; more than two thousand but less than five thousand, three-fourths of one percent of such spaces, but not less than twenty; and more than five thousand, one-half of one percent of such spaces, but not less than thirty.

3.4.2 Sign Requirements for Handicapped Parking Spaces

Parking spaces designated as reserved under the provision of the sections of this article shall be identified by the use of above grade signs with white lettering against a blue background and shall bear the words "Handicapped Parking : Special Plate Required. Unauthorized Vehicles may be Removed at Owner's Expense". These spaces shall be as near as possible to a building entrance or walkway, shall be adjacent to curb ramps or other unobstructed means permitting sidewalk access to a handicapped person and shall be twelve feet wide or two eight-foot wide areas with four feet of cross hatch between them.

3.4.3 Regulations of Unauthorized Vehicles in Handicapped Spaces

Unauthorized vehicles shall be prohibited within parking spaces designated for use by disabled veterans or handicapped persons as authorized by Section 3.4, or in such a manner as to obstruct a curb ramp designated for use by handicapped persons as a means of egress to a street or public way.

3.4.4 Penalty

The penalty for violation of Section 3.4 shall be as follows:

First Offense - Twenty-five dollars ($25.00)
Second and Subsequent Offenses - Fifty dollars ($50.00)

SECTION 3.5 ABANDONED, WRECKED, DISMANTLED OR DISCARDED VEHICLES

3.5.1 Definitions. The following definitions shall apply to the interpretation and enforcement of Section 3.5.

(a) Person shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

(b) Vehicle shall mean a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides and to transport persons or property or to pull machinery and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy and wagon.

(c) Street or highway shall mean the entire width between the boundary lines of every way publicly maintained where any part is open to the use of the public for purposes of vehicular travel.

(d) Property shall mean any real property within the Town which is not a street or highway.

3.5.2 Abandonment of Vehicles

Except as to vehicles for which other provisions are made under the laws of the Commonwealth of Massachusetts, no person shall abandon any vehicle within the Town, and no person shall leave any vehicle at any place within the Town for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.

3.5.3 Leaving of Wrecked, Non-operating Vehicle on Street

Except as to vehicles for which other provisions are made under the laws of the Commonwealth of Massachusetts, no person shall leave any partially dismantled, non-operating, wrecked or junked vehicle on any street or highway within the Town.

3.5.4 Disposition of Wrecked, Unregistered or Discarded Vehicles

No person in charge or control of any property within the Town, whether as owner, tenant, lessee or otherwise, shall allow any partially dismantled, non-operating, unregistered, wrecked, junked or discarded vehicle to remain on such property longer than ten (10) days. No person shall leave any such vehicle on any property within the Town for a longer time than ten (10) days, except any such vehicle in an enclosed building, a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise, or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Town. This section shall not apply to Class III licenses under M.G.L. Chapter 140, Section 58.

3.5.5 Towing. Any vehicle left unattended, inoperative or in any way impeding the flow of traffic or creating a safety hazard may be ordered removed by a police official, with rank of not less than

Sergeant, to some convenient location at the expense of the registered owner of said vehicle.

3.5.6 **Impounded.** The Fire Chief, Chief of Police, Director of Public Works or any member of their Department designated by such official, is hereby authorized to remove, or have removed, any vehicle left at any place within the Town which reasonably appears to be in violation of Section 3.5, lost, stolen or unclaimed. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with M.G.L. Chapter 135 relative to unclaimed and abandoned property.

3.5.7 **Penalties.** Any person violating any of the provisions of Section 3.5 shall be deemed to have committed a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding fifty dollars ($50.00). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

SECTION 3.6 FIRE PREVENTION

3.6.1 Fire Lanes, and Vehicles Obstructing the Passage of Fire Apparatus

3.6.1.1 The Fire Chief, pursuant to M.G.L. Chapter 40, Section 21 (14), may establish fire lanes as a means of access for fire apparatus to any building and may require the owner of such property to post "No Parking - Fire Lane" signs at designated places on such fire lanes. Such a fire lane shall constitute a strip twelve (12) feet in width in a shopping center, theatre and similar locations and shall be marked. Any person who refuses to post such signs as ordered by the Fire Chief, or violates any provisions of Section 3.6 shall be deemed to have committed a misdemeanor punishable by a fine of not less than ten ($10.00) dollars, nor more than fifty dollars ($50.00) for each and every such non-compliance or violation.

3.6.1.2 It shall be unlawful to leave an unattended vehicle blocking a private way which furnishes access for fire apparatus to any building.

3.6.1.3 It shall be unlawful to obstruct or park a vehicle in any fire lane established by the Fire Chief under Sub-section 3.6.1. The Police Chief, Fire Chief or a member of their departments designated by them is hereby authorized to remove, or have removed, any vehicle within a fire lane established under this section which may block or obstruct the operations of fire apparatus by the Fire Department in the performance of its duties. Such vehicle may be towed and impounded until the costs of towing, impounding and other fines are paid.

3.6.2 Penalties for Improper Use of Fire Alarms

3.6.2.1 Preamble - It is determined that the number of false alarms being made to the Needham Fire Department hinders efficiency and lowers department morale. This situation constitutes a danger to the general public, homeowners, businesses and Needham firemen. The adoption of Sub-section 3.6.2 will reduce the number of false alarms and promote the responsible use of alarm devices in the Town of Needham.

3.6.2.2 **Definitions**

(a) The term Fire Alarm System means any assembly of equipment and devices or a single device such as a solid-state unit connected directly to a 110 volt alternating current line arranged to signal the presence of a hazard requiring urgent attention and to which the Fire Department is expected to respond. The provisions of Sub-section 3.6.2.4 shall apply to all users.

(b) The term False Alarm means (i) the activation of an alarm system through mechanical failure, malfunction, improper installation or negligence on the part of the user of an alarm system, or his employees or agents; (ii) any signal or automatic dialing device transmitted to the Fire Department requesting, requiring or resulting in a response on the part of the Fire Department when there is no fire. For the purposes of this definition, activation of alarm systems for purposes of testing with prior approval by the Fire Department, or by act of God, including but not limited to power outages, hurricanes, tornadoes, earthquakes and similar weather or atmospheric disturbances shall not be deemed to be a false alarm.

(c) The term Automatic Dialing Device refers to an alarm system which automatically sends over regular telephone lines, by direct connection or other otherwise, a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designated to detect.

3.6.2.3 **Control and Curtailment of Signals Emitted by Alarm Systems**

(a) Every alarm user shall submit to the Fire Chief his name, address and telephone number, and the names and telephone numbers of at least two other persons who are authorized to respond, after notification by the Fire Department, to an emergency signal transmitted by an alarm system and who can open the premises in which the alarm system is installed. The owner of said premises shall immediately notify the Needham Fire Department of any changes in the list of employees or other persons authorized to respond to alarms.

(b) All alarm systems installed after the effective date of this by-law, which use an audible horn or bell, shall be equipped with a device that will shut off such bell or horn within (15) minutes after activation of the alarm system. All existing alarm systems in the Town of Needham must have a shut-off device installed within six (6) months of passage of Sub-section 3.6.2.

(c) Any alarm system emitting a continuous and uninterrupted signal for more than fifteen (15) minutes between 7 P.M. and 6 A.M. which cannot be shut off or otherwise curtailed when the firemen arrive in response to the alarm, and which disturbs the peace, comfort or repose of the community, neighborhood or a considerable number of inhabitants of the area where the alarm system is located, shall constitute a public nuisance. Upon receiving complaints regarding such a continuous and uninterrupted signal, the Fire Department shall endeavor to contact the alarm user, or members of the alarm user's family, or those persons designated by the alarm user under paragraph (a) of Sub-section 3.6.2.3, in an effort to abate the nuisance. The Fire Chief shall record the names and addresses of all complainants and the time each complaint was made.

(d) No alarm system which is designated to transmit emergency messages or signals to the Fire Department will be tested until the Fire Dispatcher has been notified.

(e) The provisions of Sub-section 3.6.2 shall not apply to alarm devices on premises owned or controlled by the Town, nor to alarm devices installed in a motor vehicle or trailer.

3.6.2.4 **Penalties**

(a) The user shall be assessed one hundred dollars ($100.00) as a false alarm service fine for each false alarm in excess of three (3) occurring within a calendar year. The Fire Chief shall notify the alarm user by mail or by service in hand by a fire department official of such violation and said user shall submit

payment to the Town Treasurer for deposit to the General Fund within fifteen (15) days of the notice.

(b) The owner of a system which causes six (6) or more false alarms within a calendar year, or who fails to pay the fee after said notice, may be ordered by the Board of Selectmen, after a public hearing, to disconnect and otherwise discontinue the use of the system.

SECTION 3.7 DOG REGULATIONS

3.7.1 **Use of Leashes.** No person shall allow a dog owned or kept by her/him to go beyond the confines of the property of the owner or keeper unless the dog is held firmly on a leash, the length of which shall not exceed 6 feet. An owner or keeper may use a leash of a greater length to restrain a dog on the property, provided the dog is securely confined to the premises.

3.7.2 **Disturbing the Peace.** No person shall own or keep within the Town any dog which bites, barks, howls or in any other manner disturbs the peace and quiet of any neighborhood, or endangers the safety of any person, domesticated animal or farm animal. No person shall permit a dog owned or kept by her/him to perform its natural body functions on any property other than that of the dog's owner or keeper without the approval of said property owner.

3.7.3 **Complaints.** The Animal Control Officer is hereby authorized to seek a complaint against the owner or keeper of a dog who is found to have violated the provisions of Sub-sections 3.7.1 or 3.7.2, for which the following penalties shall be imposed:

1. First offense - twenty-five dollars ($25.00)
2. Each subsequent offense - fifty dollars ($50.00)

3.7.4 **Restraint of Dogs.** In addition to the foregoing penalties, the dog officer is also authorized and empowered to muzzle or restrain a dog, or to order the owner or keeper of a dog to muzzle or restrain a dog, pending a hearing before the Board of Selectmen as hereinafter provided, when the dog officer finds that a dog has bitten or threatened any person or domesticated or farm animal, or has chased any vehicle upon any way open to public travel in the Town; or the owner had violated the provisions of Sub-section 3.7.4 more than three times in any calendar year. The owner or keeper of any dog that has been ordered to be restrained or muzzled under the provisions of Sub-section 3.7.4 may request in writing that the dog officer vacate such order.

3.7.5 **Uncontrollable Dogs.** In addition to any other statutory authority contained in M.G.L. Chapter 140, the dog officer may, with the approval of the Board of Selectmen, enter a complaint before the Board of Selectmen to obtain an order to control or dispose of a dog found to be uncontrollable, or whose owner or keeper is unresponsive to any other penalties contained in Section 3.7.

ARTICLE 4

LICENSES AND PERMITS

SECTION 4.1 DOG LICENSES

4.1.1 **Licenses.** Any owner or keeper of a dog which is six (6) months of age or older and is located in the Town of Needham shall obtain a license for that dog commencing on January 1st of each year, as required by M.G.L. Chapter 140. The fee for every license shall be ten dollars ($10.00) for all neutered male dogs and for all spayed female dogs and fifteen dollars ($15.00) for all unneutered male dogs and unspayed female dogs. The fee for kennel licenses shall be twenty-five dollars ($25.00) if no more than four dogs over the age of three (3) months are kept in said kennel; fifty dollars ($50.00) if more than four but not more than ten dogs over the age of three (3) months are kept herein, and one hundred dollars ($100.00) if more than ten dogs over the age of three (3) months are kept therein.

4.1.2 **Application.** When applying for a license, the applicant must show proof that the dog has received a veterinarian certificate for rabies vaccination within the last three years, if the dog is six months of age or over, as required by M.G.L. Chapter 140, Section 145B. No fee shall be charged for a license for a dog specifically trained to lead or serve a blind person or a deaf person, provided that the Division of the Blind or Deaf certifies that such dog is so trained and actually in the service of a blind or deaf person.

4.1.3 **Refund.** No license fee or part thereof shall be refunded because of subsequent death, loss, spaying, neutering or removal from the Town of Needham or the Commonwealth or any other disposal of said dog.

4.1.4 **Failure to License.** In addition to the requirement that a dog shall be duly licensed as required by law, the owner of a dog not licensed on or before April 30th in any year shall be subject to a fine of fifty dollars ($50.00), in addition to the license fee, upon the complaint of the dog officer. The owner of any unspayed and unleashed female dog found by the dog officer roaming in season (heat) off the premises of the owner or keeper shall be subject to a fine of fifty dollars ($50.00). Each such occasion shall constitute separate violations.

SECTION 4.2 PUBLIC CARRIAGES AND TAXIS

4.2.1 **Licenses.** The Board of Selectmen may license hackney carriages or motor vehicles for the conveyance of persons for hire from place to place within the Town and may revoke such licenses at their discretion. A record of all licenses so granted or revoked shall be kept by the Selectmen.

4.2.2 **Penalties.** No person shall set up, use or drive in the Town any unlicensed hackney carriage or motor vehicle for the conveyance of passengers for hire from place to place within the Town. Any person violating Section 4.2 shall be subject to a penalty not exceeding twenty dollars ($20) for each offense.

4.2.3 **Expiration and Fees.** Licenses shall expire on the thirtieth day of April following the date of issuance, and shall not be transferred without the written consent of the Board of Selectmen. For each license the sum of ten dollars ($10.00) shall be paid to the Town Treasurer for use by the Town. A license so granted shall become void if the applicant neglects or refuses to take out and pay for his license within ten days after notice that it has been granted.

4.2.4 **Taxi Stands.** The Selectmen may grant to the holder of a license under Section 4.2 a license to use a certain portion of a public way as a taxi stand for the solicitation of passengers for hire and no person shall use any portion of any public way for such purpose without such license. Any person who violates any of the provisions of Sub-section 4.2.4 shall be punished by a fine of not more than twenty dollars ($20.00) for each offense.

SECTION 4.3 FEES, REGISTRATION APPLICABLE TO FLAMMABLES

4.3.1 **Statutory Authority.** Pursuant to the authority of M.G.L. Chapter 148, Sections 10A, 13, 38A and 39A, and the Needham Fire Code, there is hereby established a fee schedule for licenses granted by the Board of Selectmen, Annual Certificate of Registration filed with the Town Clerk and Permits granted by the Chief of the Fire Department as follows:

4.3.2 **Licenses for the Storage of Flammables issued by the Board of Selectmen**

Class A All:	
166 - 10,000 gallons	$10.00
10,001 - 20,000 gallons	25.00
20,001 - 40,000 gallons	50.00
40,001 - 80,000 gallons	200.00
80,001 - 100,000 gallons	300.00
100,001 -500,000 gallons	400.00
500,001 -1,000,000 gallons	500.00r
over 1,000,000 gallons	800.00
Class B All types except fuel oil	
501 - 10,000 gallons	25.00
10,001 - 20,000 gallons	50.00
Class B Fuel oil only	
501 - 5,000 gallons	10.00
5,001 - 20,000 gallons	50.00
20,001 - 40,000 gallons	100.00
40,001 - 80,000 gallons	200.00
80,001 - 100,000 gallons	300.00
100,001 - 500,000 gallons	400.00
500,001 - 1,000,000 gallons	500.00
over 1,000,000 gallons	800.00
Class C Fluids (all)	
1,000 - 20,000 gallons	50.00
20,001 - 40,000 gallons	100.00
40,001 - 80,000 gallons	200.00
80,001 - 100,000 gallons	300.00
100,001 - 500,000 gallons	400.00
500,001 - 1,000,000 gallons	500.00
over 1,000,000 gallons	800.00
Flammable Solids 101 lbs and up	50.00
Flammable Gases (within a building) 3,001 cubic ft, and up	50.00
Flammable Gases (outside a building) 10,001 cubic ft. and up	50.00
Liquid Petroleum Gases	
271 - 500 gallons	25.00
501 - 1,000 gallons	50.00
over - 1,001 gallons	100.00

Automobiles

The parking of four or more vehicles in a structure - two dollars ($2.00) per vehicle, and not less than twenty-five dollars ($25.00).

Advertising costs for a hearing by the Board of Selectmen for the issuance of a license for the storage of flammables shall be paid by the applicant.

The annual fees shall include the cost of the initial registration with the Town Clerk. The fee for each annual renewal registration with the Town Clerk shall be the amount herein specified for the original license as set forth above.

4.3.3 **Permits for the Storage of Flammables issued by the Fire Chief**

Class A Fluids up to 165 gallons	$10.00
Class B Fluids up to 500 gallons	10.00
Class C Fluids up to 1,000 gallons	10.00
Flammable solids up to 100 lbs	10.00
Flammable gases (within a building) up to 3,000 cu. ft.	10.00
Flammable gases (outside a building) up to 10,000 cu. ft.	10.00
Liquid Petroleum Gases up to 270 gallons	10.00
Supervised display of fireworks under M.G.L. Chapter 140, Section 39A	25.00
Removal of an underground tank under M.G.L. Chapter 140, Section 38A	10.00
Waste Oil	10.00

ARTICLE 5

GLOVER MEMORIAL HOSPITAL

SECTION 5.1 TRUSTEES

There shall be a Board of Trustees of Glover Memorial Hospital consisting of eleven members, each of whom shall be a resident of the Town and appointed by the Board of Selectmen. Initially, one trustee shall be appointed for a term of three years and one trustee shall be appointed for a term of one year, in addition to those then serving as trustees. Thereafter, as nearly one-third of the total number of Trustees as possible shall be appointed each year for a term of three years each. In the event of a vacancy occurring in the membership of the Board of Trustees, other than by the expiration of the term of a member, the Board of Selectmen shall appoint a successor to serve for the balance of the unexpired term. No member of the staff shall be a member of the Board of Trustees.

SECTION 5.2 QUORUM

At all meetings of the Board of Trustees, six members shall constitute a quorum.

SECTION 5.3 OFFICERS

The Board of Trustees shall annually in April elect from its membership a chairman, a vice-chairman and a secretary, who shall serve as such during the ensuing year and until the election of their successors.

SECTION 5.4 POWERS OF TRUSTEES

The Board of Trustees shall have the general management, direction and control of the affairs of Glover Memorial Hospital and shall make appropriate rules and regulations therefor, subject to the authority of the Board of Selectmen as Agents for the Town Meeting. The Trustees shall appoint the officers and employees of the hospital, shall determine their duties, their responsibilities, and, subject to the approval of the Town, their compensation, and may, in their discretion, remove any one of them.

SECTION 5.5 MEETINGS OF TRUSTEES

The Board of Trustees shall meet monthly at a time and place to be determined by them. The Board shall hold an annual meeting in April. Special meetings shall be called by the Secretary at any time on request of the chairman or any two Trustees, provided a written notice is sent to each member at least five days prior to the date of the proposed meeting.

SECTION 5.6 ORGANIZATION OF TRUSTEES

The Board of Trustees shall be organized in committees, with such members, powers and duties as may be determined by rules and regulations adopted by said Board, as amended by it from time to time.

ARTICLE 6

SIGN BY-LAW

SECTION 6.1 AUTHORITY AND OBJECTIVES

This article shall be known as the Sign By-Law, and is adopted under the authority of M.G.L. Chapters 93 and 43B. It is intended that this article will serve the following objectives:

Facilitate efficient communications to ensure that people receive the messages they need or want; promote good relationships between signs and the buildings and environment to which they relate; maintain visual diversity by avoiding a requirement of uniformity; and support business vitality within business and industrial zones by avoiding burdensome procedures and restrictions.

It is hereby determined that if the number of signs in the Town of Needham is excessive and unduly distracting to motorists and pedestrians, it can create a traffic hazard, reduce the effectiveness of signs needed to direct the public and mar the appearance of the Town of Needham.

The regulations contained in this article are the minimum amount of regulation necessary to achieve its purposes.

SECTION 6.2 DEFINITIONS

Sign: Any device designated to inform or attract the attention of persons who are not on the premises on which the device is located. Any exterior building surfaces which are internally illuminated or decorated with gaseous tube or other lights are considered signs. The following, however, shall not be considered signs within the context of this article:

a) flags and insignia of any government except when displayed in connection with commercial promotion;

b) legal notices or informational devices erected or required by public agencies;

c) standard gasoline pumps bearing thereon in usual size and form the name, type, and price of gasoline;

d) integral decorative or architectural features of buildings, except letter, trademarks, moving parts or parts internally illuminated or decorated with gaseous tube or other lights;

e) on-premises guiding and directing traffic and parking, not exceeding two square feet in area and bearing no advertising matter;

f) devices hand-carried or mounted on vehicles, unless located for fixed display;

g) signs on newspaper vending machines or newspaper racks, which are limited in context to the name and logo of the newspaper sold via such machine or rack and to the means of purchasing a newspaper from such machine or rack.

Sign Area: The area of the smallest horizontally or vertically oriented rectangle which could enclose all the display area of the sign, together with any backing different in color or material from the finish material of the building face, and together with any decorative framing or other element whose judged intent is to extend the effective sign area, exclusive of minimal supporting framework, but without deducting for open space or other irregularities. Only one side of flat, back-to-back signs need be included in calculating sign area.

On-Premises Signs: Only signs pertaining exclusively to the premises on which they are located or to the products, accommodations, services or activities on the premises are on-premises signs.

Off-Premises Signs: Signs not pertaining exclusively to the premises on which they are located or to the products, accommodations, services or activities on the premises on which they are located.

Temporary Sign: Any sign constructed of paper, cloth, canvas, fabric, cardboard, wallboard or other light material, with or without frames, intended to be displayed for a continuous period of not more than sixty days.

Permanent Attached Signs: Signs, other than temporary signs, which are attached to a building or visible through its window, whether wall or projecting, are permanent attached signs.

Permanent Freestanding Signs: Signs, other than temporary signs, which are are wholly separated from the ground and not attached to a building are permanent freestanding signs.

SECTION 6.3 ADMINISTRATION

6.3.1 Sign Committee. The Sign Committe (hereinafter referred to as "the Committee") of three members plus two alternative members shall be appointed by the Selectmen for three-year terms (so arranged initially that no more than one member's term and one alternate member's term expires each year). Members shall include at least one retail merchant operating in Needham and one person having professional training in visual design.

The Committee shall elect a chairman and a clerk. Two members shall constitute a quorum. All decisions shall require a positive vote of at least two members.

The Committee shall meet monthly at such time and place to be determined by the members and at such additional times as it determines necessary to carry out the provisions of this article. In the event a member is unable or refuses to sit, the Chairman shall designate an alternate member to sit in the place of that absent member.

6.3.2 Issuance of Permits. No sign shall be erected, enlarged, redesigned, structurally altered, or used without a sign permit issued by the Building Inspector, except for signs described in Sub-sections 6.5.1 (a), 6.5.1 (c), and 6.5.3.4. Permits shall be authorized only for signs in conformance with this article.

Applicants shall file a permit application accompanied by a photograph of the facade to which the sign is to be attached, or the area of intended location if unattached, and two prints of scale drawings of the sign and supporting structure showing placement thereon; the applicant shall also file seven copies of the permit application, including seven copies of all application materials, with the Design Review Board. (See Section 7.7 Design Review, of the Zoning By-Law.)

The Design Review Board shall review requests for sign permits submitted and shall, within thirty-five (35) days of the receipt of the application materials, transmit its advisory recommendations regarding the design of the sign to the Building Inspector and the applicant. No sign permit shall be issued by the Building Inspector within this thirty-five (35) day period unless said recommendations are sooner received.

If the Building Inspector finds that the proposed sign is in all respects in conformance with this article, he shall issue a permit within 45 days of the filing of the application. If he finds that said proposed sign is not irn conformance with this Article as aforesaid, he shall, within 60 days of the filing of the application notify the applicant in writing of the

reasons why such permit was denied and shall forward a copy of such notice of disapproval to the Committee.

6.3.3 Appeal from Building Inspector's Action or Failure to Act

Any person aggrieved by the Building Inspector's action or failure to act may appeal by filing an appeal with the Committee and the Town Clerk within 30 days of the Building Inspector's action or failure to act. The Committee shall rule on the appeal within 75 days of the filing of the appeal with the Town Clerk. If the Committee denies relief to the applicant, it shall notify him in writing of the reasons for such denial. Failure of the Committee to act within said 75 days shall be deemed to be a grant of the relief sought, subject to applicable judicial appeal under state law. If, on appeal, the permit is approved, the Committee shall direct the Building Inspector to issue the permit.

6.3.4 Variances. If an applicant wishes to obtain a permit for a sign that does not comply with this article, he shall apply to the Building Inspector for a permit in accordance with the proceedings established by Sub-section 6.3.2 of this Article. Upon denial of the permit, the applicant shall apply to the Committee for a variance from the requirements of this article in accordance with the procedure established under Sub-section 6.3.3 of this article. The Committee shall set a date for and hold a public hearing. It will be the responsibility of the applicant, at his own expense, to give notice of the public hearing at least seven days in advance by advertisement in a newspaper of general circulation in Needham and by posting such notice in a conspicuous place in the Town Hall for a period of not less than 7 days before the day of the hearing. The applicant for a variance is further required to give notice of the public hearing, sent 10 days before the hearing by certified mail, return receipt requested, postage prepaid to all parties in interest.

Parties in Interest as used in Sub-section 6.3.4 shall mean the abutters, owners of land directly opposite the proposed site of the sign on any public or private street or way and abutters to the abutter within three hundred feet of the property line of the applicant as they appear on the most recent applicable tax list.

Publications and notices of the public hearing required by Sub-section 6.3.4 shall contain the name of the area or premises; street address, if any, or other adequate identification of the location, of the area or premises which is the subject of the petition; the date, time and place of the public hearing; the subject matter of the hearing; and the nature of action or relief requested if any. No such hearing shall be held on any day on which a state or municipal election, caucus or primary is held in Needham.

The Committee may in its discretion grant a variance, but onlyif the proposed sign meets all of the Design Guidelines set forth in Sub-section 6.3.5 of this article and if the Committee finds that, owing to physical peculiarities of the specific location, literal enforcement of the terms of this article would result in substantial hardship to the applicant or substantial detriment to the vicinity, and that such a variance will be consistent with the stated objectives of this Article. If the Committee denies the variance sought, it shall notify the applicant in writing of the reasons for such denial. Failure of the Committee to act within 75 days shall be deemed to be a grant of the permit sought by such applicant. If the permit is approved, the Committee shall direct the Building Inspector to issue permit with such terms and conditions it deems appropriate.

6.3.5 Design Guidelines. A variance may be permitted under Sub-section 6.3.4 above only if the Committee finds that the proposed sign meets all of the following guidelines:

a) Sign scale is appropriate in relation to development scale, viewer distance and travel speed and sign sizes on nearby structures.

b) Sign size, shape and placement serves to define or enhance such architectural elements of the buildings as columns, sill lines, cornices and roof edges, and not to interrupt, obscure or hide them.

c) Sign design is not wholly discontinuous with other signage on the same or adjacent structures, providing continuity in mounting location and height, proportions, materials or other important qualities.

d) Sign materials, colors, lettering style and form are compatible with building design and use.

e) Sign content does not overcrowd background.

f) Sign legibility is not impaired by excessive complexity, multiple lettering styles or colors or other distracting elements.

6.3.6 Fees - General. Application and hearing fees shall be established and revised from time to time by the Committee at a level not exceeding that sufficient to defray the estimated cost of administering this article, and shall be based upon the number, area and illumination of the signs applied for.

6.3.7 Temporary Real Estate Signs. Temporary real estate signs require payment of a uniform fee to be determined by the Committee whenever a sign is to be displayed on the premises of property being offered. Real estate brokers or agents shall obtain a one-year permit for displaying such signs and shall be subject to a uniform fee to be assessed annually in an amount to be determined by the Committee.

SECTION 6.4 GENERAL REGULATIONS

6.4.1 Maintenance. All signs shall be maintained in a safe and neat condition to the satisfaction of the Building Inspector and in accordance with requirements of the State Building Code. Structural damage, missing letters or other deterioration obscuring content shall be remedied within sixty days or the sign shall be removed.

6.4.2 Prohibitions

6.4.2.1 Illumination

a) Illuminated signs shall be lighted by a steady stationary light, shielded and directed solely at or internal to the sign.

b) No illumination shall be permitted which casts glare onto any residentially used premises or onto any portion of a way so as to create a traffic hazard, or which results in average face brightness exceeding 60-foot lamberts elsewhere.

c) No sign shall be illuminated after 11 P.M. and before 7 A.M., unless related to a retail establishment during hours it is open to the public. In an emergency declared by the Selectmen, however, hours of permissible illumination may be expanded or curtailed to the extent and for such period as the Selectmen may require.

6.4.2.2 Location

a) No sign shall be erected at the intersection of any streets or of a street and driveway in such a manner as to obstruct free and clear vision; or at any location where, by reason of its position, shape or color, it may interfere with, or obstruct the view of, or be confused with any authorized traffic sign, signal or device.

b) No signs shall be attached to motor vehicles, trailers or other movable objects regularly or recurrently located for fixed display.

c) No sign shall be attached to a radio, television, or water tower, or any other type of tower or smoke stack.

d) No sign shall extend above or beyond the end of the wall to which it is attached, nor overhang a street or sidewalk by more than the thickness (up to 12") of a flat wall sign.

e) No portion of any sign shall be located above the roof line of a building. Roof line means the intersection of the exterior wall and the roof.

f) No freestanding sign shall be located within a required side or rear yard or within fifteen feet of a streetline or extend more than twenty feet above adjoining ground level.

6.4.2.3 Type

a) A V-shaped sign consisting of two single-faced signs shall not be permitted.

b) Pennants, streamers, advertising flags, spinners or similar devices shall not be permitted.

c) No animated or revolving sign shall be permitted and only time and temperature indicators shall be allowed to flash.

SECTION 6.5 PERMITTED SIGNS

6.5.1 All Zoning Districts. The following signs are allowed in all zoning districts:

a) One on-premise sign, either attached or free-standing, indicating only the name and/or profession of the owner or occupant, the street and/or number, not to exceed two square feet in area. No permit is required.

b) One off-premise directional sign may be erected and maintained within the public right-of-way at any intersection if authorized by the Selectmen, or on private property if authorized following an application and hearing by The Committee in accordance with Sub-sections 6.3.2 and 6.3.3 of this article. Such signs shall be permitted only upon the Board's determination that the sign will promote the public interest, will not endanger the public safety and will be of such size, location and design as will not be detrimental to the neighborhood. At locations where directions to more than one establishment are to be provided, all such directional information shall be incorporated into a single structure. All such directional signs shall be unlighted and each shall be not over four square feet in area.

c) Signs of not more than a total of twelve square feet in area, erected for charitable, educational, political or religious purposes. No permit is required.

d) (i) A temporary unlighted real estate sign not larger than twelve square feet in area, advertising the sale, rental or lease of the premises or subdivision on which it is erected.

(ii) A temporary unlighted sign not larger than twelve square feet indicating the name, address and telephone number of the parties involved in construction on the premises.

(iii) For a development of six or more lots or dwelling units, one sign not larger than twelve square feet at each visible street entrance to the development from a prior existing way indicating the name, address and telephone number of the parties involved in construction on the premises.

e) One bulletin board not exceeding twelve square feet for and on the premises of a public, charitable, educational, political or religious institution. No permit is required to change the lettering on such a bulletin board.

f) One memorial sign or tablet indicating the name of the building and/or date of erection, if not exceeding 2% of the area of the wall to which it is attached and if carved into or attached in such a way as to be an integral part of the building, and without separate illumination.

6.5.2 Single Residence, General Residence, Apartment and Institutional Zoning Districts

(a) One on-premises sign, either attached or freestanding, oriented to each street on which the premises abut, each such sign not to exceed twelve square feet in area, indicating the nonresidential principal use or uses of the premises.

(b) One on-premises sign, either attached or freestanding, stating the name of the apartment complex if it contains more than six units, such sign not to exceed twelve square feet.

6.5.3 Business, Industrial, and Industrial Park Zoning Districts

6.5.3.1 Number. In addition to signs allowed under Sub-section 6.5.1, one permanent sign, whether permanently attached or freestanding, is permitted as further described in Sub-sections 6.5.3.2 and 6.5.3.3 of this article for each occupant of separate space per street that the premises abut.

6.5.3.2 Permanent Attached Signs. The total area of all permanent attached signs shall be not more than fifteen percent of the projected area of the elevation to which they are attached and shall not exceed 32 square feet; no sign shall exceed one hundred square feet in area if orientated for visibility from Route 128 (I-95). If a sign is orientated for visibility from Route 128 (I-95) and is to exceed 32 square feet, then it must be approved by the Committee; and the Committee shall approve the sign only if it finds that the sign complies with the design guidelines established in Sub-section 6.3.5 of this article.

6.5.3.3 Permanent Freestanding Signs

a) Area: not more than thirty-two square feet, and not more than sixty square feet if oriented for visibility from Route 128 (I-95). If a sign is oriented for visibility from Route 128 (I-95) and is to exceed 32 square feet, then it must be approved by the Committee; and the Committee shall approve the sign only if it finds that the sign complies with the design guidelines established in Sub-section 6.3.5 of this article.

b) Visibility: Every freestanding sign placed within thirty feet of the curb line of intersecting streets and driveways shall have an open space of at least eight feet from the ground to the base of the sign.

c) All freestanding signs on the same parcel of land shall be attached to the same support.

6.5.3.4 Temporary. Temporary signs, in addition to signs allowed under Sub-section 6.5.3.1, are permitted only if unlighted, inside of windows, occupying not more than 25% of the area of each window, and advertising sales, special events or changes in the nature of an

operation, but shall not otherwise be used to advertise a continuing or regularly recurring business operation and shall be removed promptly when the information they display is out of date or no longer relevant. No permit is required.

6.5.4 **Table of Sign Areas.** In conformity with Sub-sections 6.5.1 to 6.5.3 above, all signs shall also conform with the following table:

Type	Maximum Area (square feet)
Sale, lease, rental subdivision [6.5.1.d (i)]	12
Construction [6.5.1.d.(ii)]	12
Development of 6 or more units or lots [6.5.1.d.(iii)]	12
Real estate signs [6.5.1.d.(i)]	12
Religious, educational, charitable or political institutions [6.5.1.c]	12
On premise signs, all zoning districts [6.5.1.a]	2
Nonresidential principal uses in residential districts [6.5.2.a]	12
Apartment complexes [6.5.2.b]	12
Business, Industrial, or Industrial Park Districts	
Attached [6.5.3.2]	32
Attached if visible from Rt. 128 [6.5.3.2]	100
Freestanding [6.5.3.2]	32
Freestanding if visible from Rt. 128 [6.5.3.3]	60
Off-premises directional signs [6.5.1.b]	4
Bulletin boards for institutions [6.5.1.e]	12

SECTION 6.6 VIOLATIONS

6.6.1 **Fines.** Any person violating any provisions of this Article shall be subject to a penalty up to the maximum amount allowed for each offense under the noncriminal processes authorized by M.G.L. Chapter 40, Section 21D. Each day on which the violation continues shall be considered a separate offense.

6.6.2 **Notice and Removal.** Existing signs which violate this article shall be removed or brought into conformity with this article within thirty days of notification of violation by the Building Inspector, unless he authorizes a longer period necessitated by unavailability of parts.

6.6.3 **Pre-existing, Non-Conforming Signs.** Signs erected prior to February 24, 1986, and not enlarged, redesigned, or structurally altered after that date other than pursuant to a permit issued by the Building Inspector shall not have to be removed or brought into conformity with this article until February 24, 1996.

ARTICLE 7

GENERAL WETLANDS PROTECTION

SECTION 7.1 PURPOSE

The purpose of this article is to protect the wetlands, related water resources and adjoining land areas in the Town of Needham by prior review and control of activities deemed by the Conservation Commission likely to have a significant effect upon wetland values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, water pollution prevention, fisheries, wildlife habitat, recreation, agriculture and aquaculture values (collectively, the "wetlands values protected by this article").

SECTION 7.2 JURISDICTION

Except as permitted by the Conservation Commission (hereinafter referred to as "the Commission") or as provided in this article, no person shall remove, fill, dredge, build upon or alter the following resource areas: (1) within 100 feet of any freshwater wetland, marsh, wet meadow, bog or swamp; (2) within 100 feet of any bank, beach, dune or flat; (3) any lake, river, pond or stream, whether or not intermittent; (4) within 100 feet or any lake, river, pond, stream or estuary; (5) any land under said waters; or (6) any land subject to flooding (collectively, the "resource areas").

SECTION 7.3 EXCEPTIONS

The permit and application required by this article shall not be required for maintaining or repairing, but not changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, sewer, telephone, telegraph or other telecommunications services, provided that written notice has been given to the Commission at least 14 days prior to commencement of work, and provided that the work conforms to performance standards and design specifications in regulations adopted by the Commission.

The permit and application required by this article shall not be required for work performed for normal maintenance or improvement of land in agricultural use or in aquacultural use, provided that written notice has been given to the Commission at least 14 days prior to the commencement of work.

The permit and application required by this article shall not apply to emergency projects necessary for the protection of the health or safety of the public, as determined by the Commission, in such circumstances and upon such conditions as it deems appropriate, after advance written notice has been received by the Commission prior to commencement of any work, except for emergency response to safeguard life, health and property damage.

Other than stated in this section, the exceptions provided in the Wetlands Protection Act shall not apply under this article.

SECTION 7.4 APPLICATION FOR PERMITS AND REQUESTS FOR DETERMINATION

Written application to perform activities regulated by this article, affecting resource areas protected by this article, shall be filed with the Commission. The application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the environment. No activities shall commence without receiving and complying with a permit issued pursuant to this article.

The Commission shall accept as the application and plans under this article the Notice of Intent and plans filed under the wetlands Protection Act, M.G.L. Chapter 131, Section 40, together with such other information as is required by this article and regulations issued hereunder.

Any person desiring to know whether or not a proposed activity or an area is subject to this article may in writing request determination from the Commission. Such a request for determination shall contain data and plans specified by the regulations of the Commission.

At the time of an application or request, the applicant shall pay a filing fee specified in regulations of the Commission. This fee is in addition to that required by the Wetlands Protection Act, M.G.L. Chapter 131, Section 40. The Commission may waive the filing fee and costs and expenses for an application or request filed by a government agency.

SECTION 7.5 NOTICE OF HEARINGS

The Commission in an appropriate case may combine its hearing under this article with the hearing conducted under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40.

Any person filing an application or a request for determination with the Commission shall give written notice thereof, at the same time, by certified mail (return receipt requested) or hand delivery, to all abutters at their mailing addresses, shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line of the applicant, including any in another municipality. The notice to abutters shall enclose a copy of the application or request, with plans, or shall state where copies may be examined and obtained by abutters free of charge. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. When a person requesting a determination is other than the owner, the request, the notice of the hearing and the determination itself shall be sent by the Commission to the owner as well as to the person making the request.

The Commission shall conduct a public hearing on any application or request for determination, with written notice given at the expense of the applicant at least five working days prior to the hearing, in a newspaper of general circulation in the Town.

The Commission shall commence the public hearing within 45 days from receipt of a completed application or request for determination unless an extension is authorized in writing by the applicant.

The Commission shall issue its permit or determination in writing within 21 days of the close of the public hearing thereon unless an extension is authorized in writing by the applicant.

The Commission shall have the authority to continue the hearing to a date certain announced at the hearing, for reason stated at the hearing, which may include receipt of additional information offered by the applicant or others, information and plans required of the applicant deemed necessary by the Commission in its discretion, or comments and recommendations of boards and officials listed in Section 7.6. In the event the applicant objects to a continuance or postponement, the hearing shall be closed; and the Commission shall take action on such information as is available.

SECTION 7.6 COORDINATION WITH OTHER BOARDS

Any person filing a permit application or a request for determination with the Commission shall provide a copy thereof at the same time, by certified mail (return receipt requested) or hand delivery, to the Board of Selectmen, Planning Board, Board of Health and Building Inspector. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. The Commission shall not take final action until such boards and officials have had 21 days from receipt of notice to file written comments and recommendations with the Commission. The applicant shall have the right to receive any such comments and recommendations and to respond to them at a hearing of the Commission, prior to final action.

SECTION 7.7 PERMITS, DETERMINATION AND CONDITIONS

If the Commission, after a public hearing, determines that the activities which are the subject of the application are likely to have a significant or cumulative effect upon the wetland values protected by this article, the Commission, within 21 days of the close of the hearing, shall issue or deny a permit for the activities requested. If it issues a permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect those values and all activities shall be done in accordance with those conditions.

The Commission is empowered to deny a permit for failure to meet the requirements of this article; for failure to submit necessary information and plans requested by the Commission; for failure to meet the design specifications, performance standards and other requirements in regulations of the Commission; for failure to avoid or prevent unacceptable significant or cumulative effects upon the wetland values protected by this article; and where conditions are inadequate to protect those values. The Commission may require applicants to retain an independent consultant, acceptable in advance by the Commission, in order to provide the Commission with sufficient information on which to base a decision.

A permit shall expire three years from the date of issuance. Notwithstanding the above, the Commission, in its discretion, may issue a permit expiring five years from the date of issuance for recurring or continuous maintenance work, provided that annual notification of time and location of work is given to the Commission. Any permit may be renewed once for an additional one year period, provided that a request for a renewal is received in writing by the Commission prior to expiration.

The Commission may revoke or modify a permit issued under this article for good cause after notice to the holder of the permit, to the public, to abutters and to town boards pursuant to Section 7.5 and a public hearing.

The Commission, in an appropriate case, may combine the permit or other action on an application issued under this article with the Order of Conditions issued under the Wetlands Protection Act.

No work proposed in any application shall be undertaken until the permit issued by the Commission with respect to such work has been recorded in the Norfolk Registry of Deeds or, if the land affected thereby is registered land, in the registry section of the land court for the Norfolk district, and until the holder of the permit certifies in writing to the Commission that the permit has been so recorded.

SECTION 7.8 REGULATIONS

After public notice and public hearing, the Commission shall promulgate rules and regulations to effectuate the purposes of this article. Failure by the Commission to promulgate such rules and regulations, or a legal declaration of their invalidity by a court of law, shall not act to suspend or invalidate the effect of this article.

SECTION 7.9 DEFINITIONS

Except as otherwise provided in regulations of the Commission, the definitions of terms in this article are those set forth in the Wetlands Protection Act, M.G.L. Chapter 131, Section 40 or regulations promulgated thereunder.

The following definitions shall apply in the interpretation and implementation of this article:

The term person shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to town by-laws, administrative agency, public or quasi-public corporation or body, this municipality and any other legal entity, its legal representatives, agents or assigns.

The term alter shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this article:

(a) Removal, excavation or dredging of soil, sand, gravel or aggregate materials of any kind;

(b) Changing of pre-existing drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns or flood retention characteristics;

(c) Drainage or other disturbance of water level or water table;

(d) Dumping, discharging or filling with any material which may degrade water quality;

(e) Placing of fill, or removal of material, which would alter elevation;

(f) Driving of piles, erection or expansion of buildings or structures of any kind;

(g) Placing of obstructions or objects in water;

(h) Destruction of plant life, including cutting of trees;

(i) Changing water temperature, biochemical oxygen demand or other physical or chemical characteristics of water;

(j) Any activities, changes or work which may cause, or tend to contribute to, pollution of any body of water or groundwater, including but not limited to, application of pesticides or herbicides.

SECTION 7.10 SECURITY

As part of any permit issued under this article and in addition to any security required by any other municipal or state board, agency or official, the Commission may require that the performance and observance of any conditions imposed hereunder be secured wholly or in part by one or more of the methods described below:

(a) By a proper bond, deposit of money, negotiable securities or other undertaking of financial responsibility sufficient, in the opinion of the Commission, to be released in whole or in part upon issuance of a Certificate of Compliance for work performed pursuant to the permit;

(b) By a covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of this municipality, whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed.

Upon written request of the applicant, the Commission shall release the covenant described in (b) above, or partially release said covenant with respect to particular lots, provided that:

1. No violation notice under this Article or enforcement order under M.G.L. Chapter 131, Section 40 has been recorded at the Norfolk County Registry of Deeds as of the date of the applicant's request; and
2. A proper bond or other undertaking of financial responsibility, as provided in (a) above, and sufficient in the opinion of the Commission, has been given to the Commission.

In the event that a bond or other undertaking has already been given, the Commission reserves the right to increase the amount of the bond or other undertaking of financial responsibility sufficient, in the opinion of the Commission, to secure completion of the work to be performed pursuant to the permit.

SECTION 7.11 ENFORCEMENT

The Commission, its agents, officers and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this article and may make, or cause to be made, such examinations, surveys or sampling as the Commission deems necessary.

The Commission shall have authority to enforce this article, its regulations and permits issued thereunder by violation notices, administrative orders and civil and criminal court actions.

Upon request of the Commission, Town Counsel shall take legal action for enforcement under civil law. Upon request of the Commission, the Chief of Police or Town Counsel shall take legal action for enforcement under criminal law.

Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

Any person who violates any provision of this article, regulations thereunder or permits issued thereunder shall be punished by a fine in an amount to be established by the Commission under its wetland protection regulations. Each day or portion thereof during which a violation continues shall constitute a separate offense; and each provision of the article, regulations or permit violated shall constitute a separate offense.

SECTION 7.12 BURDEN OF PROOF

The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not have unacceptable significant or cumulative effect upon the wetland values protected by this article. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

SECTION 7.13 APPEALS

A decision of the Commission shall be reviewable in the Superior Court in an action filed within 60 days of the date of the decision in accordance with M.G.L. Chapter 249, Section 4.

SECTION 7.14 RELATION TO THE WETLANDS PROTECTION ACT

This article is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rules statutes, independent of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, and regulations thereunder.

SECTION 7.15 EFFECTIVE DATE

The effective date of this article shall be September 1, 1988, and shall not be applicable to (a) work presently regulated by Orders of Condition issued by the Commission pursuant to the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, and regulations thereunder, and (b) work that is the subject of Notices of Intent filed with the Commission prior to September 1, 1988, pursuant to the provisions of said Wetlands Protection Act.

ARTICLE 8

TAXATION

SECTION 8.1 HOTEL, LODGING HOUSE AND MOTEL TAX

There is imposed a local excise tax upon the transfer of occupancy of any room or rooms in a hotel, lodging house, or motel located within the Town by any operator at the rate of 4% of the total amount of rent for each such occupancy. No excise tax shall be imposed if the total amount of rent is less than fifteen dollars ($15) per day or its equivalent or if the accommodation is exempt under the provisions of M.G.L. Chapter 64F, Section 2. This tax is imposed and is to be paid in accordance with and subject to the provisions of General Laws Chapter 64G, Section 3A.

ARTICLE 9

CONSOLIDATED PERSONNEL BY-LAW

SECTION 9.1 PURPOSE AND AUTHORIZATION

The purpose of the Consolidated Personnel By-law is to establish fair and equitable personnel policies for the Town of Needham, together with a system of personnel administration based on merit principles that will guarantee uniform, fair and efficient application of those policies. This article is adopted pursuant to the authority granted by Article LXXXIX of the Constitution of the Commonwealth of Massachusetts and M.G.L. Chapter 41, Section 108A and 108C.

SECTION 9.2 APPLICATION

All Town departments and positions shall be subject to the provisions of this article except positions under the supervision of the Trustees of Glover Memorial Hospital and the Needham School Committee, and employees with personal contracts. Employees subject to the Massachusetts Civil Service Laws or collective bargaining agreements are subject only to those provisions in this article which are not specifically regulated by Civil Service Law or bargaining agreement. Nothing in this article shall be construed to limit any rights of employees pursuant to M.G.L. Chapter 150E. This article is intended to be in accordance with all applicable state and federal laws and bargaining agreements. In the event of inconsistencies, the applicable state or federal law or bargaining agreement shall apply.

SECTION 9.3 COMPUTATION OF TIME

In computing time (days) under this by-law, only business days shall be counted.

SECTION 9.4 DEFINITIONS

As used in this article, the following words and phrases shall have the following meanings unless a different construction is clearly required by the context or by the laws of the Commonwealth of Massachusetts.

Appointing Authority - Any board or official authorized by General Law, the Town Charter or otherwise, to appoint employees to positions in Town service.

Appointment - The placement of a person in a position in the service of the Town.

Armed Forces - See definition for "Military Training Forces."

Base Pay - The rate of pay established for a position by the Compensation Plan (hourly for hourly positions; weekly for weekly positions; annual for salaried positions), prior to inclusion of any employee-related longevity, differential or other special pay types.

By-law - This by-law; the Consolidated Personnel By-Law.

Civil Service Law - M.G.L. Chapter 31 as amended and all rules and regulations made thereunder; and any special law enacted by the General Court regulating classifications, compensation and conditions of employment in service of the Town under M.G.L. Chapter 31.

Class - A group of positions in Town service sufficiently similar in respect to duties that one position title may be applied to all, that the same requirements may be used to determine qualification of employees, and that the same tests of qualification may be used to choose qualified employees, and that the same scale of pay may be applied to all positions in the group.

Classification Plan - The classification plan established by section 9.10 of this article, and by votes of the Town Meeting in relation thereto, under authority of M.G.L. Chapter 41, Sections 108A and 108C, as amended.

Compensation Plan - The compensation plan established by Section 9.11 of this article, and by votes of the Town Meeting in relation thereto, under authority of M.G.L. Chapter 41, Sections 108A and 108C, as amended.

Compensatory Time - Paid authorized absence from work during normally-scheduled working hours administered to non-exempt employees in lieu of payment for worked overtime hours, at the discretion of the appropriate department or division Head, and subject to the approval of the Town Administrator, and pursuant to the provisions of this article and the United States Fair Labor Standards Act.

Consolidated Personnel By-Law - Article IX of the General By-laws of the Town of Needham, as amended.

Continuous Employment - Uninterrupted employment in one or more consecutive permanent full time or permanent part time positions in Town service, from the first date of hire until the date of termination for whatever reason, during which time the employee is continuously on the payroll, except for authorized absence for unpaid leave of absence; used as the standard of measure for determine benefit and leave eligibility.

Department - Any department, board, committee, commission, or other agency of the Town.

Department Head - The officer, board, or other body having immediate supervision and control of a department; in the instance of a department serving under the supervision and control of the Board of Selectmen, the officer, board, or other body immediately responsible to the Board of Selectmen for administration of the department.

Division Head - The person having immediate supervision and control of a division within a department, and reporting directly to the department head.

Elected Officer/Elected Official - Any incumbent in the positions established by the Town of Needham General By-laws Section 1.11 and

the Town of Needham Charter Part 3, ss. 16, 17, 18, 19 and 21, chosen by ballot from the Town's registered voters.

Emergency Employee/Emergency Appointee - An employee retained on a non-competitive basis in a position in Town service for a period of time not to exceed three calendar weeks, in order to prevent stoppage of public business or hazard or serious inconvenience to the public.

Employee - An appointee of the Town of Needham occupying a position in the Classification Plan.

Entrance Rate - The minimum rate of compensation for a position class; step one (1).

Exempt Employee - An employee whose position is not regulated by the provisions of the U.S. Fair Labor Standards Act.

Fair Labor Standards Act - The United States Act first adopted in 1938, enforced by the U.S. Department of Labor, that sets minimum wage, overtime pay, equal pay, recordkeeping, and child labor standards for employees who are covered by the Act and not exempt from specific provisions.

Fiscal Year - An accounting period of twelve (12) months, July 1 of one year through June 30 of the subsequent year.

Full Time Employee - An individual in Town service engaged in full time employment.

Full-Time Employment - Appointment or election to a permanent position for not less than seven and one-half (7 1/2) hours per day, for five (5) days per week for fifty-two (52) weeks per year, minus legal holidays, vacations, and other authorized leaves of absence. Full time employees are eligible for leaves and benefits.

General Government Department - Any department, board, committee, or other agency whose personnel administration is governed by this by-law.

Holiday Pay - Extra pay authorized pursuant to paragraph b, Section 15 of this by-law.

Longevity - The length of an employee's continuous employment.

Military Forces - The United State Air Force, the United States Army, the United State Navy, the United States Marine Corps, the United State Coast Guard, the Massachusetts National Guard, the Massachusetts Air National Guard, and any and all components thereof.

Non-exempt Employees - Employees whose employment is regulated by the provisions of the U.S. Fair Labor Standards Act.

Normally Scheduled Work Hours - The hours routinely worked per day or week by an employee; for part time or hourly employees, those hours routinely scheduled for work per day or week; for salaried employees, 37 1/2 or 40 hours per week.

Overtime - Time worked in excess of a non-exempt employee's normally scheduled number of hours per day or week.

Part Time Employee - An individual in Town service engaged in employment of less than twenty (20) hours per week. Part time employees are ineligible for leaves and benefits.

Permanent Employee - An individudal in Town service engaged in full-time employment in a permanent position or permanent part time employment, or any employee holding a permanent appointment under the Civil Service Law to a position deemed permanent within the meaning of said law.

Permanent Part-time Employment - Employment in a permanent position for a regular schedule of twenty (20) or more hours per week and less than full time, for fifty-two (52) weeks per year. Permanent part time employees are eligible for pro-rated benefits and paid leaves.

Personnel Board - Persons appointed by the Town Moderator pursuant to the provisions of Section 5 of this by-law; also referred to in this by-law as "the Board".

Personnel By-law - See definition for "Consolidated Personnel By-law".

Personnel Director - An appointee of the Selection Committee as described in this by-law, Section 6, Personnel Director.

Position - A post of employment established in the Classification Plan of this article, with assigned duties and responsibilities.

Probationary Period - The first six (6) months of employment in any position in Town service.

Promotion - A change from a position of lower class and compensation grade to a position with greater responsibilities in a higher class and compensation grade.

Range - The difference between minimum and maximum rates of compensation.

Rate - A sum of money designated as compensation for hourly, weekly, monthly or annual employment services.

Reclassification - A change made to a position title within the Classification Plan as a result of a change in duties required to be performed by the position. When a reclassification results in a higher grade of compensation for the position, the reclassification shall be treated as a promotion for the incumbent(s) at the time of reclassification for the purpose of establishing step in grade in the new compensation grade.

Recruitment - The methods and process by which potential employees for Town positions are solicited.

Regular Straight Time Pay - The rate of pay established for a position by the Compensation Plan, together with any appropriate longevity, shift, qualification (e.g. EMT) differentials, which is routinely paid to a specific employee for scheduled work time. Regular straight time pay does not include payment for worked times performed (e.g. EEG - administration).

Seasonal Employee - An employee appointed for a fixed period of time not to exceed six (6) months, as a result of increased work load.

Seniority - Comparative longevity of employees determined by length of continuous employment.

Step/Step Rate - The rate(s) in the range of a compensation grade.

Temporary Employee - (1) An employee retained in temporary or seasonal employment for whom a specified tenure of service is stipulated at or before the time of hire; or (2) any employee holding a temporary appointment under Civil Service Law who does not have a permanent status thereunder.

Temporary Position - Any position in Town service which is not permanent but which requires or is likely to require the service of an incumbent for a period not exceeding six (6) calendar months.

Town - The Town of Needham.

Town Administrator - The Town Administrator established by section 2.21 of the General By-laws, as amended.

Town Charter - The Needham Special Home Rule Charter Act (Acts of 1971, Chapter 403), as amended.

Upgrade - A change made in compensation grade of a position within the Classification Plan whereby the position title and duties performed remain the same but the compensation grade is increased.

Vacation Year - (1) The period during which employees earn vacation leave for use in the subsequent fiscal year, and/or (2) the time during which employees become eligible for and must use vacation leave earned in the previous vacation year. For most government employees, the vacation year is from July 1 to June 30.

SECTION 9.5 PERSONNEL BOARD

9.5.1 Composition, Mode of Selection, Term of Office, Qualifications

The Moderator shall appoint a Personnel Board, consisting of five (5) persons for three (3) year overlapping terms. Every member shall serve until a successor is qualified and appointed. If any member of the Board shall resign or otherwise vacate office before the execution of the full term, the Moderator shall appoint a successor to serve for the balance of the unexpired term.

At least two members of the Board shall be qualified by reason of their experience as personnel executives. Any registered voter of the Town may be appointed to the Board, provided, however, that no Town employee or Town elected official other than a Town Meeting Member, shall be appointed. Nothing herein shall be deemed to prohibit the Chairman of the Personnel Board from designating a member of the Board to serve ex officio as representative of the Board on a study committee of the Town Meeting, or to affect the tenure of that member on the Personnel Board.

The Board shall annually elect its own Chairman and Vice-Chairman. In the absence of or incapacity of the Chairman, the Vice-Chairman shall act as Chairman. Any three members of the Board shall constitute a quorum for the transaction of business. The affirmative vote of a quorum shall be necessary for any official act of the Board to become effective.

9.5.2 Provision for Office Space and Public Hearings

The Board of Selectmen shall furnish the Board with such office space as it may require for the performance of its duties and the storage of its property and records; and upon application by the Board, shall provide it with an adequate place for the holding of public hearings.

9.5.3 Powers, Duties and Responsibilities

(a) Personnel Board Proceedings, Personnel Staff The Board shall meet monthly in the Town Hall, unless otherwise posted on the Town Hall bulletin board, and shall keep a record of its official proceedings and actions. Subject to appropriation, the Board may retain such clerical and other assistance, and make such expenditures as it deems necessary to the performance of its duties.

(b) By-law Administration The Board may issue, amend, or repeal administrative orders, procedural rules, and regulations for the purpose of implementing powers and duties vested in it by this article and by votes of the Town Meeting pertaining to Town personnel matters. It shall monitor the administration of those aspects of this article vested in the Town Administrator, and shall make such recommendations to the Town Meeting in respect thereto as said Board deems necessary, proper and prudent, to maintain the integrity of the operation and policies of this by-law. All employees and elected officers shall comply with and assist in furnishing records, reports and other information requested by said Board.

(c) Personnel Records Access and Maintenance The Board shall have access to all facts, figures, records and other information pertaining to all Town departments and positions subject to this article, and shall be furnished with such information in the form it may require forthwith when requested from any such department, appointing authority or elected official.

(d) Personnel System The Board shall be responsible for the establishment and maintenance of a personnel system based on merit principles, to include but not be limited to: an updated classification plan; an annual compensation plan; staffing controls; policies and procedures for recruitment, selection, promotion, transfer, discipline and removal of employees; adjudication of personnel appeals, and any other elements as deemed appropriate or required by law.

SECTION 9.6 DUTIES OF THE TOWN ADMINISTRATOR

(a) The Town Administrator shall be responsible for the administration of this article, except as to such powers and duties as are expressly assigned thereby to the Personnel Board.

With the approval of the Board of Selectmen, the Town Administrator shall delegate to the Personnel Director and Department such powers and duties as the Town Administrator deems appropriate for the expeditious and efficient management of Town personnel matters. Such delegation shall be by means of a written instrument, approved by the Selectmen, which spells out clearly the powers and duties delegated to the Personnel Director; and a copy of such instrument shall be filed promptly with the Personnel Board.

(b) The Town Administrator shall be responsible for the implementation of the Classification and Compensation Plans, subject to such rules and regulations relative thereto as the Personnel Board may from time to time adopt, amend or repeal.

(c) The Town Administrator shall:

(1) Ensure that the Town maintains an effective personnel system by monitoring the effectiveness of policies, procedures and practices as required by law, in accordance with proper personnel practices.

(2) Ensure that the recruitment, selection, promotion, transfer, discipline and removal of employees are conducted in accordance with applicable state and federal laws, and with Town By-laws and policies adopted pursuant to the same.

(3) Oversee administration of an affirmative action program for all departments and positions subject to the provisions of this article, to ensure that the Town acts affirmatively in providing maximum opportunities to all persons regardless of sex, color, creed, race, or national origin, for entry level and promotional positions, and provide equal treatment in all aspects of personnel administration.

(4) Take care to see that rights of honorably discharged veterans of the armed forces of the United States shall be observed in the hiring, promotion, lay off or other discharge of employees under this article, insofar as such rights are prescribed by state and federal law.

(5) Administer employee benefits programs for (a) Town personnel subject to this article, and (b) such other Town personnel as may be placed under his/her jurisdiction for these purposes by departments not subject to this article.

(6) Establish and maintain a centralized personnel record keeping system as may be required by law and or good personnel management practice, for the effective administration of Town personnel and for the purpose of the Personnel Board, provided that the Town Administrator shall consult from time to time with that Board in respect to said system and in respect to the information required by said Board for its purposes.

(7) Provide such advice, assistance and information to the Personnel Board as it may require for the discharge of its functions under this article.

(8) Provide advice and assistance to department heads, supervisory personnel, and employees, on all aspects of personnel administration.

(9) Develop in-service training programs for Town personnel, to improve the quality and effectiveness of their job performance.

(d) When so required by a formal vote or regulation of the Board of Selectmen, the Town Administrator shall perform such duties in respect to labor relations, collective bargaining, and the enforcement of collective bargaining agreements under M.G.L. Chapter 150E, as the Selectmen determine.

(e) The Town Administrator shall file promptly with the Personnel Board copies of any rule or regulation adopted under paragraph (c) of section 9.6 of this article, and of any order or regulation adopted under clause (d) of section 9.6, and of any amendment or repeal thereof.

SECTION 9.7 PERSONNEL DIRECTOR

(a) A selection committee comprised of two members of the Board of Selectmen, and two members of the Personnel Board, and the Town Administrator may appoint a Personnel Director. Any person so appointed to the office of Personnel Director shall be qualified by reasons of experience in personnel administration and knowledge of the state and federal laws governing municipal personnel administration in the Commonwealth. The minimum qualifications for appointment to said office shall be set forth in an official job description or position description developed jointly by the Board of Selectmen, Town Administrator, and Personnel Board.

(b) The Personnel Director shall manage the daily operations of the Personnel Department, under the supervision and direction of the Town Administrator.

(c) The Personnel Board may, by formal vote or regulation, delegate any of its powers, duties and responsibilities to the Personnel Director. Said Board shall file a copy of such vote or regulation with the Personnel Director and the Town Administrator.

SECTION 9.8 PERSONNEL SYSTEM

A Personnel System shall be established by promulgation of policies pursuant to Sections 9.5 and 9.6 of this article. The Personnel System shall include but not be limited to the provisions of Sections 9.9 through 9.28 of this article.

SECTION 9.9 PERSONNEL RECORDS AND REPORTS

A centralized personnel file, containing an individual file for each employee and elected official, shall be kept by the Personnel Director. Employee and official files shall include all applications, evaluations, reports and records pertinent to the person's employment.

Employees and Officials may, upon request to the Personnel Director, have access to review their personnel file, such review to be in the presence of the Personnel Director or a management employee authorized by the Personnel Director.

SECTION 9.10 STAFFING CONTROLS

(a) Except for emergency employees, no employment in, or transfer to a paid appointive position shall take effect until it has been approved by the Personnel Board, to ensure compliance with the Classification Plan, Compensation Plan and other provisions of this article.

(b) To employ or transfer an appointee to a paid appointive position, all appointing authorities must obtain prior approval in the form of a Certificate of Necessity from the Finance Committee, verifying the availability of adequate appropriation or other monies to enable the appointment.

(c) No employment in or transfer to a paid appointive position shall be approved by the Personnel Board without prior approval by the elected official, board, trustees, commission or other appointing authority having supervision and control of the department in which the position is located, and without an approved Certificate of Necessity from the Town Finance Committee pursuant to paragraph (b) of this section.

(d) The Finance Committee may, after a public hearing thereon, adopt and amend regulations establishing staffing controls of appointive positions, other than such positions the filling of which is mandatory under state law, local charter or by-law. Such regulations shall pertain only to the preservation of an economical balance between the numbers of appointive employees retained by town agencies and the budgets authorized to those agencies by vote of Town Meeting.

(e) Appeals from decisions made by the Finance Committee or Personnel Board pursuant to paragraphs (a) through (d) of section 9.10 of this article, may be taken to the Town at the Annual Town Meeting.

SECTION 9.11 RECRUITMENT, SELECTION, EMPLOYMENT

9.11.1 Civil Service Positions

Appointing authorities shall give advance notice to the Personnel Board, in such form as it may require, of all intentions to make any appointment, transfer, or promotion to any position subject to Civil Service Law. Such appointing authority shall promptly forward a copy of such notice to the Town Administrator.

9.11.2 Emergency Appointments

In the case of an emergency declared by an appointing authority having supervision of a department, said department may employ, subject to appropriation, emergency employees without the prior approval of the Personnel Board. If the aforesaid appointing authority is a department, board, committee or agency serving under the Board of Selectmen, such authority may not make such an emergency appointment without first obtaining the approval of the Town Administrator or his/her designated agent. An emergency appointment or an appointment to a position established on an emergency basis shall not be effective for a period exceeding three (3) calendar weeks.

9.11.3 Medical Examinations

(a) All persons selected for permanent employment by the Town, and such persons selected for temporary, seasonal, part time, or other employment with the Town as the Personnel Board may require, shall undergo a medical examination prior to the starting date of employment, at the expense of the Town, conducted by a practicing physician. The examining physician shall advise the Personnel Department, in such form as the Personnel Board may require, whether or not the person is mentally and physically capable of performing the duties of the position. If the applicant is deemed unfit for employment, the offer of employment shall be withdrawn.

(b) Employees having attained age seventy (70) shall be allowed to continue in service to the Town, provided they are mentally and physically capable of continuing to perform the duties of their positions. All employees commencing at the attainment of age seventy (70), and annually thereafter, shall be examined at Town expense by an impartial physician designated by the retirement authority, to determine whether the employee is physically and mentally capable to continue to perform the duties of the position. Any employee deemed unfit for continued employment will be discharged in good standing.

9.11.4 Notices of Vacancies

Appointing authorities or department heads shall, upon the identification of a vacancy or the authorization of a new position, prepare a job vacancy notice. The job vacancy notice shall include, pursuant to the official position description from the Classification Plan, the job title, major duties of the position, qualifications, salary, closing date for applications and application instructions. The Personnel Director shall review and approve the content of all job notices prior to posting; and the content and funding availability of all job advertisements prior to publication.

9.11.5 Posting and Advertising of Vacancies

Job notices of vacant positions pursuant to subsection 9.11.4 of this article, shall be posted for ten (10) business days in all Town locations.

9.11.6 Employment Above the Minimum Entrance Rate

Upon receipt of written request from the appointing authority or department head, the Personnel Board, at its discretion, may adjust the rate of compensation for any position up to two (2) compensation grades, where such adjustment is deemed necessary to recruit or retain qualified employees in accordance with prevailing market conditions, or where such position requires unique technical skills not adequately provided for by the minimum entrance rate. All compensation adjustments for the purpose herein are subject to appropriation.

Before applying to the Personnel Board for permission to fill an appointive position at an entrance rate greater than the minimum, the appointing authority or department head shall post and advertise the vacancy as provided by subsections 9.11.4 and 9.11.5 of this article.

9.11.7 Employment Oath or Affirmation

The Personnel Board shall not approve the employment of any person who refused to take the oath or affirmation required by M.G.L. Chapter 264, Section 14, as amended, if required for employment.

9.11.8 Notification to Personnel Board of Occupancy Status of Paid Elective Offices

The Town Clerk, or in the absence or incapacity of the Town Clerk, the acting Town Clerk, shall promptly notify the Board when a person duly and lawfully elected to a paid elective office of the Town has qualified to perform and entered upon the duties of said office; upon receipt of said notification, the Board shall deem such person to be properly employed and shall authorize payment of the compensation of office to the person. The Town Clerk, or in the absence or incapacity of the Town Clerk, the acting Town Clerk, shall promptly notify the Board when the incumbent of a paid elective Town office has resigned from or otherwise vacated the same; and upon receipt of said notification, the Board shall deem such incumbent to be separated from Town service.

9.11.9 Recruitment Expenses

Subject to availability of appropriation, appointing authorities may make such reasonable expenditures as they deem necessary and proper in the process of recruitment of qualified candidates for appointment to positions under their jurisdiction, provided authorization to fill such positions has been made by the Board upon receipt of an approved Certificate of Necessity from the Finance Committee.

9.11.10 Moving Expenses

Subject to availability of appropriation, appointing authorities may make such reasonable expenditures as they deem necessary and proper for the moving expenditures of candidates selected for appointment to exempt positions under their jurisdiction, provided authorization to fill such positions has been made by the Board upon receipt of an approved Certificate of Necessity from the Finance Committee.

9.11.11 Probationary Period

All newly hired and promoted employees shall be required to successfully complete a six (6) month probationary period, prior to the conclusion of which their performance will be evaluated on such form as the Board may require, for inclusion in the central personnel file. Upon receipt of written request from the appointing authority or department head, the Personnel Board may extend the probationary period up to two months if the initial evaluation of the probationary employee is unsatisfactory. A second probationary evaluation will then be required prior to the expiration of the extended probationary period. Employment may be terminated at any time during the probationary period or extended probationary period.

SECTION 9.12 CLASSIFICATION PLAN

The Personnel Board shall formulate annually and submit to the Annual Town Meeting for its approval, a schedule setting forth the classes of positions, by job title, in the Town service, which are subject to the provisions of this article, such schedule to be incorporated with the Compensation Plan submitted under the provisions of section 9.13 of this article. Said schedule of classes of positions, as approved by the Annual Town Meeting, and the provisions of section 9.12 of this article, shall

constitute the Classification Plan authorized by M.G.L. Chapter 41, Section 108A.

The Classification Plan shall provide a uniform system for classifying all positions subject to this article; and establish proper relationships between positions based on the level of responsibilities assumed and minimum qualifications required to perform the duties, so that the same schedule of compensation may be applied to those classes requiring the same level of knowledge, skills and abilities, to ensure equal pay for equal work. The Classification Plan shall consist of the elements provided by subsections 9.12.1 through 9.12.8 of this article.

9.12.1 Position Titles

The Board shall establish a position title for every class in the Classification Plan, that shall serve as the official title of every position allocated to the class, as well as the official title of each incumbent in a position in the class, and shall be used to the exclusion of all others on payrolls, budget estimates and official records and reports. Position titles established by the Director of Civil Service for positions subject to the Civil Service Law shall prevail as the official title for those positions and their incumbents. No person shall be appointed or promoted to any position in Town service under a title not included in the Classification Plan.

9.12.2 Position Descriptions

The Personnel Board shall establish, maintain and amend official written descriptions for all positions in the Classification Plan, and for each class of paid elective positions. Said Board shall provide copies of such official written descriptions to the Town Administrator and to the Town Clerk for their respective purposes under this article and the laws of the Commonwealth. Such descriptions shall consist of a statement describing the essential character of the duties and responsibilities of the work; illustrative examples of typical duties; the required minimum knowledge, skills, training, abilities, experience and special qualifications required for entrance to the position.

Position descriptions shall be illustrative of the position classification and are not required to contain descriptions of all duties of the class. Position descriptions shall not be be restrictive, except with respect to minimum qualifications that must be met by a person before appointment, transfer or promotion to a position in the class.

The minimum qualifications contained in position descriptions shall be prescribed by the Personnel Board based upon the minimum qualifications recommended to the Board by appointing authorities and department heads; the Board's examination of the work required by the position; and the Board's study of comparable positions in the private sector, other municipalities and state government service.

9.12.3 Periodic Reviews

The Personnel Board shall conduct periodic reviews at intervals of not more than two (2) years of the Classification Plan to ensure it remains uniform and current.

9.12.4 Classification of New Positions

Appointing authorities or department heads proposing the establishment of a new position shall provide the Personnel Board with a description of the duties, skills, knowledge, abilities, special qualifications and other work performance requirements of the proposed position in sufficient detail as the Board may require to appropriately classify the position. New position classifications may not be established without approval by the Personnel Board.

9.12.5 Reclassification and Upgrading of Positions, and Requests for Classification Plan Changes

The Personnel Board shall investigate any written requests from department heads, individuals or groups of individuals for reclassification or upgrade of positions, submitted by the requesting party no later than the first (1st) day of January immediately preceding the next Annual Town Meeting. Positions may not be reclassified or upgraded without review and approval of the Personnel Board.

9.12.6 Emergency Classification

In case of urgent necessity the Personnel Board, after consultation with the appropriate appointing authority, may anticipate formal action by the Town Meeting by establishing new classifications and the conpensation therefor, subject to subsequent early ratification by the Town at Town Meeting.

9.12.7 Complaint Investigation

The Personnel Board may investigate any complaint relative to position classification that may be filed in writing with the Board by any department head, individual or groups of individuals.

9.12.8 Protection of Incumbent Compensation

No change in a title or class of positions made as provided by subsections 9.12.1 through 9.12.7 of this article, shall have the effect of reducing the compensation of incumbents occupying positions allocated to said class at the time of the change.

SECTION 9.13 COMPENSATION PLAN

9.13.1 Establishment

The Personnel Board shall, after consultation with the Town Administrator, prepare annually, and submit to the Annual Town Meeting for its consideration and action, a Compensation Plan pursuant to M.G.L. Chapter 41, Section 108A, as amended. The Compensation Plan shall be administered by the Personnel Director, under the supervision and direction of the Town Administrator, except as otherwise provided herein.

The Compensation Plan shall be directly related to the Classification Plan, and shall consist of compensation schedules based on relative responsibilities between various classes; wage rates for comparative types of work in the public and private sector; conditions in the labor market; fiscal policies of the Town; and ratified bargaining unit agreements. All employees shall be paid in accordance with the rates in the Compensation Plan.

If an Article is inserted in the Warrant for an Annual or Special Town Meeting, by voter petition under M.G.L. Chapter 39, Sections 10 and 12, as amended, or under Section 12A of the Town Charter, as amended, which petition calls for amendments to either the Classification Plan or Compensation Plan, or both, a copy of such petition shall be furnished to the Personnel Board as soon as possible by the Town Administrator, together with any explanatory information he/she is able to provide. The Personnel Board shall report to said Town Meeting that the proposal in such petition "ought to be adopted," or "Ought to be adopted with an amendment or amendments specified by the Board," or "Ought to be referred for further study and a report to the next ensuing Annual Town Meeting," or "Ought to be rejected."

9.13.2 Compensation Schedules

The class titles in the Classification Plan shall be grouped as schedules according to occupations and/or departmental assignments, and

designated as to the compensation grade to which each title is allocated, and the schedules shall appear in a supplement to this article.

9.13.3 Changes to Compensation Schedules

Each Appointing Authority and/or department head shall include in its annual budget forecasts required by M.G.L. Chapter 41, Section 59, of the specific amounts which will be required for anticipated pay adjustments during the ensuing year, and shall furnish a copy thereof to the Personnel Board.

Requests by department heads, individuals or groups of individuals for changes to the Compensation Plan shall be filed with the Personnel Board in writing not later than the first (1st) day of January immediately preceding the next Annual Town Meeting.

The Personnel Board shall submit requests for changes in the compensation schedules to the Annual Town Meeting. The schedules shall be updated each year as soon as is practicable following approval by Town Meeting of any changes therein.

9.13.4 Interpretation of Rates of Compensation

The rates of Compensation established by the Compensation Plan and schedules shall be construed as follows:

(a) The rates of compensation in the Compensation Plan schedules are in terms of dollars per year for full time employment, except where otherwise expressly stated. Payment of equivalent compensation on time bases for any unit other than a year may be made, subject to prior Personnel Board approval in each individual instance, provided such payment is based on the ratio that such other time unit bears to full time employment.

(b) The Compensation Plan rates represent the total remuneration to be paid to employees except for Personnel Board-approved longevity, differentials, overtime, and stipends, and reimbursement of authorized expenses incurred as necessary incidents to employment.

(c) In every case in which compensation for work performed, except for authorized overtime, is paid to a full-time employee by a department, branch or agency of the Town other than the employee's usual work location, such payments shall be deducted from the regular compensation due that employee, except as specifically authorized in an individual case by the Personnel Board or as provided by the U.S. Fair Labor Standards Act.

(d) When employment is on a part time basis and no exception is noted in the rate of compensation for the class, only the proportionate part of the annual compensation for time actually worked shall be paid.

(e) Subject to prior approval of the Board, temporary employees may be employed at less than the minimum compensation prescribed for the applicable class by the Compensation Plan.

(f) The Personnel Board may adjust the rate of compensation for any position set forth in the Compensation Plan pursuant to subsection 9.11.6 of this article.

(g) No change in the rate of compensation for a class of positions shall have the effect of reducing the compensation of incumbents occupying the positions allocated to said class at the time of the change.

(h) Computation of amounts of paid compensation and leave benefits established under this article to eligible permanent part time employees shall be based upon the ratio their part time employment bears to full time employment.

9.13.5 Work Week and Hours of Employment

The basic work week for all hourly-rated employees shall be five (5) eight-hour (8) days, totaling forty hours in all. The basic work week for all salaried employees shall be five (5) seven and one-half (7 1/2) or eight (8) hour days, totaling thirty-seven and one-half (37 1/2) or forty (40) hours per week respectively.

9.13.6 Starting Rates for New Appointments

Persons appointed to positions in the Classification Plan shall be paid at the minimum rate except as may be provided by the Personnel Board pursuant to subsections 9.11.6 and 9.13.4 of this article.

9.13.7 Promotion

Employees promoted to higher-rated positions shall enter them at the minimum rate of the higher position's compensation range or the step rate in the higher position's compensation immediately above their rate prior to promotion, whichever is higher. The effective date of a promotion becomes the employee's new anniversary date for the purpose of future satisfactory performance step increases. Upon department head recommendation, the Personnel Board may approve an additional one step increase at the time of promotion if warranted by the employee's qualifications and performance.

9.13.8 Position Upgrades

When any position is upgraded within the Compensation Schedules, incumbents in those positions at the time of upgrading shall maintain the same step rate within the grade as held at the time of upgrading.

9.13.9 Transfer to Lower Rated Position/Personal Rate

In exceptional cases, such as the elimination of a position from the Classification Plan, the Personnel Board at its discretion may approve the involuntary transfer of an employee to a lower rated position, which the employee shall then enter at the maximum rate of the position or at his existing rate in the previous position, whichever is lower. A rate thus established shall be deemed an "Interim Personal Rate," and shall be applicable only to the designated employee receiving it. No other employee assigned to or hired for the position shall advance beyond the maximum rate of the range to which the position class is assigned. Employees voluntarily transferring to lower rated positions are ineligible to receive "Interim Personal Rates."

9.13.10 Satisfactory Performance Step Increases

At the completion of twelve (12) months of continuous employment in one position, and upon receipt of a satisfactory performance evaluation on an appraisal form as required by the Board, full time and permanent part time employees shall advance to the next step in grade until reaching the maximum rate set forth in the applicable schedule for their position class.

Increases in compensation are permissive and not mandatory. No increase shall become effective unless adequate appropriation has been made. Annual performance evaluation shall continue for all employees in the Classification and Compensation Plans who have reached their maximum step in grade for their position classification.

9.13.11 Longevity

There shall be added to the annual compensation of each full time and permanent part time employee, including each full time hourly rated employee, the sum of one hundred dollars ($100) after the completion of each and every five years of continuous employment prior to the twentieth (20th) year of continuous employment.

Employees completing twenty (20) years of continuous employment shall receive one percent (1%) of base salary for each and every five (5) years of employment, to replace the former one hundred dollars ($100).

Subject to the approval of the Personnel Board, an employee who would be eligible to receive longevity pay whose employment has been interrupted through no fault of the employee, and who has subsequently been reinstated to employment, may be given credit for longevity purposes for such prior Town employment.

Interruption of employment for the purpose of performing military service under orders shall not be deemed a break in continuous employment with the Town for the purpose of determining longevity eligibility, provided that no employment other than military service under orders is entered into during the period of interruption, and that the employee returns to Town service within thirty (30) days after honorable discharge from active military service, or immediately upon release from reserve duty.

9.13.12 Approvals Required for Compensation Increases

No advancement in rates as provided by subsections 9.13.6 through 9.13.10 shall be made without prior approval from the Personnel Board, upon receipt of written recommendation from the appropriate appointing authority or department head. All payments of compensation increases provided hereunder are subject to appropriation.

9.13.13 Overtime

The Town shall pay overtime to eligible employees in accordance with the provisions of the United States Fair Labor Standards Act. All worked overtime must be approved in advance by the employee's appointing authority or department head.

9.13.14 Compensatory Time

At the discretion and prior approval of the appointing authority or department head, and in accordance with the provisions of the United States Fair Labor Standards Act, paid compensatory time off from normally scheduled work hours may be provided to eligible employees, in lieu of payment for approved overtime work. Payment for banked compensatory hours in lieu of time off from work must be approved in advance by the Personnel Board.

SECTION 9.14 PERFORMANCE EVALUATION

An annual evaluation of the performance of every employee in the Classification and Compensation Plans shall be made on such form and at such time as the Personnel Board may require. Annual evaluations shall be included in the centralized personnel file pursuant to sections 9.5 and 9.9 of this article.

SECTION 9.15 PAYMENT FOR ABSENCE DUE TO WEATHER OR EMERGENCY OR RETENTION DURING EMERGENCY RELEASE

(a) Only employees who report to work for their scheduled hours during inclement weather or other emergency shall be paid, except as provided by paragraph (b) of section 9.15.

(b) In cases where the determination to close Town Hall during inclement weather or other emergency has been made by the Board of Selectmen, or the decision to close town facilities other than Town Hall has been made by the responsible department head in consultation with the chairman of the appointing authority, non-bargaining unit employees, other than emergency employees, who report to work and are dismissed due to weather conditions or other emergency will receive regular pay for their normally scheduled work hours. Non-exempt, non-bargaining unit employees, other than emergency employees, required to remain at work under such conditions will be paid at time and one-half (1 1/2) their regular pay for the balance of their normally scheduled work hours.

(c) Section 9.15, paragraph (b) is not intended to authorize payment for weather or emergency absence to those employees absent due to sick leave, vacation or any form of authorized leave at the time of the declared emergency.

SECTION 9.16 HOLIDAYS

(a) The following holidays shall be recognized by the Town on the day on which they are legally observed by the Commonwealth of Massachusetts; and, on said days, full time and permanent part time employees shall be excused from all regularly scheduled duty without loss of pay, except in cases where the appointing authority or department head determines that the employee is required to maintain essential services: New Year's Day, Martin Luther King Day, Presidents' Day, Patriots' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day and Christmas Day. In the event such holidays fall on Sunday, they shall be deemed to occur on Monday. In the event such holidays fall on Saturday, they shall be deemed to fall on Friday. Full time and permanent part time employees normally scheduled to work on the last working day immediately preceding Christmas shall receive time off without loss of pay for one-half (1/2) day on the last working day before Christmas.

(b) Non-exempt, non-bargaining employees required by the appointing authority or department head to work on a recognized holiday to provide essential services shall receive one extra day's pay for the week in which the worked holiday occurs, or one extra half day's pay for the week in which the last working day immediately preceding Christmas occurs, provided they have fulfilled all duty obligations required on the date of the holiday.

SECTION 9.17 VACATION

9.17.1 Scheduling

Every appointing authority or department head shall annually develop a vacation schedule for all employees in the department who are or may become eligible to receive vacation leave during the upcoming fiscal year. The vacation for a given fiscal year may be taken at any time during the fiscal year, subject to the approval of the appointing authority or department head, provided that departmental vacation schedules obviate the need for temporary increases in the personnel of the respective department.

9.17.2 Eligibility

Full-time and permanent part-time employees who have successfully completed the six (6) month probationary period, and employees provisionally appointed to a full time permanent Civil Service position, shall be eligible for vacation leave under the provisions of subsections 9.17.3 through 9.17.7 of this article.

Employees must be on the payroll as of July 1 of any fiscal year in order to be eligible to receive vacation leave allowance credit for the prior fiscal year, except as provided by subsections 9.17.4 and 9.17.5 herein.

9.17.3 Accumulation

The vacation year for all general government employees shall be the period from July 1 to June 30. Vacation leave allowance must be taken in the vacation year immediately following the one in which it is earned. Vacation leave credit shall not be cumulative from one vacation year to another, except when an employee's vacation scheduled for the month immediately preceding the date on which it is due to expire is canceled by the appointing authority or department head to meet an emergency or offset a critical personnel shortage. In such instances, with prior approval of the Personnel Board, the amount of such canceled vacation leave may be carried over into the next vacation year.

9.17.4 Employee Termination

Whenever employment is terminated through dismissal through no fault or delinquency on the part of the employee, or by retirement, or by entrance into military service under orders, the employee shall be paid an amount equal to the vacation allowance as earned and not yet granted in the vacation year prior to such termination. In addition, payments shall be made for that portion of the vacation leave earned in the vacation year during which the termination occurred, up to the time of the employee's separation from the payroll.

9.17.5 Employee Death

Whenever employment is terminated by death, the beneficiary of the deceased shall be paid an amount equal to the vacation leave earned in the vacation year prior to the employee's death but not yet granted. In addition, payment shall be made to the beneficiary of the deceased for that portion of the vacation year during which the employee dies, up to the time of the date of separation from the payroll.

9.17.6 Amount of Paid Vacation Leave Allowance

(a) Employees who have been employed for less than twelve (12) months as of July first (1st), who have successfully completed the six (6) month probationary period, shall be granted paid vacation leave allowance at the rate of one paid day at regular straight time pay for each complete calendar month of continuous employment in the prior fiscal year, up to but not exceeding ten (10) days.

Employees whose probationary period expires after July 1 will become eligible for use of paid vacation leave allowance at the rate of one paid day at regular time pay for each complete calendar month of continuous employment in the prior fiscal year, up to but not exceeding the ten (10) days, at the conclusion of the probationary period upon receipt of a successful probationary performance appraisal.

(b) Vacation leave allowance shall be granted to eligible employees after one year of continuous service, as follows:

Length of Continuous Service	Vacation Leave Allowance July 1
One (1) Year but less than Five (5) Years	2 Weeks
Five (5) Years but less than Twelve (12) Years	3 Weeks
Twelve (12) Years but less than Twenty-Two (22) Years	4 Weeks
Twenty-Two (22) or more years	5 Weeks

(c) Granting of the third, fourth, and fifth vacation weeks to eligible employees with the required length of service as provided by subsection 9.17.6 of this article, shall be made as of July 1 of the fiscal year in which the employee's fifth, twelfth or twenty-second anniversary occurs, respectively, for use during that fiscal year.

(d) Vacation leave allowance of three (3) weeks with regular pay shall be granted to full time permanent employees of the Library Department for at least one (1) year of continuous employment, but less than twelve (12) years of continuous employment.

(e) An employee shall be granted an additional day of paid vacation leave if, while on vacation, a recognized holiday pursuant to section 9.16 of this article occurs on or is legally observed on a Monday, Tuesday, Wednesday, Thursday or Friday during the vacation leave period.

9.17.7 Other Uses of Vacation Leave

At the discretion of the appointing authority or department head, an employee, whose absence from work due to illness is in excess of the amount of time available in the employee's non-occupational sick leave bank, may be permitted to charge such absence to unused vacation leave allowance earned in the prior year.

9.17.8 Vacation Leave Credit Allowance for New Employees

Upon receipt of written request from the appointing authority, the Personnel Board, at its discretion, may permit vacation eligibility credit of up to four (4) weeks to new employees, based on length of service in previous employment.

SECTION 9.18 AUTHORIZED UNPAID LEAVE OF ABSENCE

At the discretion of the appointing authority or department head, full time and permanent part time employees who have successfully completed the six (6) month probationary period, may be permitted an unpaid leave of absence of up to two weeks' duration, upon submission of a written request therefore stating the reason and length of the requested leave.

Requests for leaves of absence of longer than two weeks' duration must be submitted in writing and approved in advance by the Personnel Board, as well as the appointing authority or department head.

Employees granted leaves of absence in excess of thirty (30) days, will not be eligible to earn vacation, sick or other leave credits for the period of the leave, but may be permitted by the Personnel Board to continue insurance coverage at the employee's expense. Longevity and eligibility dates will be adjusted by the number of days equal to the leave of absence. Continued employment in Town service will not be guaranteed to an employee after more than thirty (30) days of authorized unpaid leave of absence, except as provided by section 9.21 of this article.

SECTION 9.19 PERSONAL LEAVE

One day's leave of absence from work at regular straight-time pay for normally scheduled hours shall be granted every fiscal year to full-time and permanent part-time employees who have successfully completed the six-month probationary period, provided that such leave be requested in writing to the department head or appointing authority at

least forty-eight (48) hours prior to the date selected. Personal leave is not cumulative and must be used in the fiscal year in which it is granted.

SECTION 9.20 COURT LEAVE

All employees shall be granted leave when called for jury duty or under summons to appear as witnesses. Full time and permanent part time employees will be paid by the Town during the period required for court service for the difference between the amount paid them by the court, excluding travel allowance, and the amount of regular straight-time pay which would normally be received from the Town for the scheduled work time spent on approved court leave. If the jury or witness fees, exclusive of travel allowance, are more than the amount of regular straight-time pay which the employee would receive for the scheduled work time spent in court leave, no compensation shall be paid by the Town for the period of court service.

Official summons to jury duty or witness appearance must be presented in advance to the appropriate appointing authority or department head to receive authorized court leave.

To qualify for payment hereunder, the employee must furnish the Town Comptroller with complete and satisfactory evidence of the jury or witness fees received. As a condition to receiving payment from the Town hereunder, an employee on authorized court leave who is discharged from court service for the day or a major portion thereof during regular work hours must report to work.

Absence due to authorized court leave shall not affect an employee's eligibility for longevity, satisfactory performance step increases or benefit eligibility.

SECTION 9.21 MILITARY LEAVE

9.21.1 Reserve Service

A full time or permanent part time employee who is a member of a state or federal military reserve unit shall be entitled to leave of absence from a permanent position for compulsory military service under orders for a period not to exceed seventeen (17) days per calendar year, up to one normal working week of such leave to be with full regular straight-time pay for normally scheduled work hours.

9.21.2 Draft Board Appearances and Physicals

Military leave of absence with full regular straight time pay for normally scheduled work hours shall be granted to full time or permanent part time employees on occasion of their required appearance under orders before armed forces draft boards or for physical examinations required by such boards.

9.21.3 Active Duty

Military leave of absence without pay shall be granted to full time and permanent part time employees called under orders for active duty with the state or federal armed forces for compulsory service other than the annual reserve routine tour of duty.

9.21.4 Notification and Approval Requirements

Every employee desiring military leave as provided hereunder shall request it in writing in advance form the appropriate appointing authority or department head, and such request shall provide written proof from military or selective service officials indicating the date of departure and length of service required.

SECTION 9.22 MATERNITY LEAVE

Full-time and permanent part-time female employees who have successfully completed the six-month probationary period shall be granted Maternity Leave without pay for a period not to exceed eight (8) weeks for the purpose of giving birth to a child or adopting a child under three (3) years of age, upon notification to the appropriate appointing authority or department head in writing two weeks in advance of the expected departure date and of her intention to return to work.

SECTION 9.23 BEREAVEMENT LEAVE

Bereavement leave without loss of regular straight-time pay for normally scheduled working hours, not to exceed five (5) consecutive days per occurrence as the appointing authority or department head may determine, shall be granted to any employee on account of a death in the immediate family of the employee; immediate family to include parents, parents of spouse, children, brothers, sisters and grandparents of the employee. Bereavement leave of up to one day without loss of regular straight-time pay for normally scheduled working hours may be granted per occurrence for the death of an employee's brother-in-law, sister-in-law, aunt or uncle.

SECTION 9.24 NON-OCCUPATIONAL SICK LEAVE

9.24.1 Eligibility

Full time and permanent part time employees shall be eligible for non-occupational sick leave as provided hereunder.

9.24.2 Accrual

Full-time employees shall accrue one and one-quarter (1 1/4) days non-occupational sick leave and permanent part-time employees shall accrue a proportionate part thereof in the ratio that their part-time employment bears to full-time employment, for each full calendar month of continuous employment per fiscal year. The aforementioned accruals shall be added to the employee's permanent record of available non-occupational sick leave and referred to as the "non-occupational sick leave credit" or "non-occupational sick leave bank."

9.24.3 Usage

Use of non-occupational sick leave shall be granted to an employee only when the employee is incapacitated from the performance of duties by personal sickness, injury or quarantine by public health authorities, except that an employee shall be allowed to use up to three (3) days of non-occupational sick leave when available per fiscal year for illness of a parent, spouse or child of the employee.

During each fiscal year, there shall be charged regularly to the employee's total non-occupational sick leave credit the total number of days or partial days absent from work because of non-occupational illness for which the employee was paid the regular straight-time pay for normally scheduled hours absent due to non-occupational sick leave.

9.24.4 Notification

Non-occupational sick leave shall commence on the date that notification of the employee's sickness, injury or quarantining is given to the appropriate authority or department head by the employee or the employee's family or physician.

9.24.5 Certification of Illness, Injury or Quarantine

The appointing authority or head of each department shall investigate and ascertain the validity of any request for non-occupational sick leave made by an employee, and shall approve the same if satisfied

as to the validity of the request. A physician's certificate may be required by the appointing authority, department head or Personnel Board in any case of non-occupational sick leave. If the cause of sick leave is not substantiated to the satisfaction of the appointing authority, the absence will not be paid as non-occupational sick leave.

9.24.6 Extended Sick Leave

When a full time or permanent part time employee has exhausted available non-occupational sick leave credits, extended sick leave with pay in excess of earned sick leave may be granted on an individual basis by the Personnel Board for up to sixty (60) days per fiscal year, upon receipt of a written request for extended sick leave submitted by the employee's appointing authority or department head, and upon receipt of written confirmation from a practicing physician that the employee is unable to report to work.

Requests for extended sick leave as provided herein shall not be submitted until the employee has used all available paid leave credit, including vacation leave and personal leave.

In determining whether to grant extended sick leave, the Personnel Board shall take into account the employee's length of continuous employment, absence record, and performance appraisals. Granting of extended sick leave is subject to availability of appropriation.

Any employee granted extended sick leave as provided herein will not receive credit for such leave for the purpose of determining vacation or other leave eligibility, and the amount of time spent on extended sick leave shall not be included in computation of continuous service

9.24.7 Non-occupational Sick Leave Buy-Back

An employee who terminates employment with the Town by retirement or disability shall be entitled to a cash payment upon termination at the employee's current rate of pay for twenty-five percent (25%) of the non-occupational sick leave credit outstanding after proper adjustments are made for the current fiscal year. The spouse, duly designated beneficiary or legal representative of the estate of an employee whose employment with the Town is terminated by death, shall be entitled to cash payment at the employee's rate at the time of termination for twenty-five percent (25%) of the non-occupational sick leave credit outstanding at the time of termination after proper adjustments are made for the current fiscal year.

9.24.8 Payment of Non-occupational Sick Leave to Employees Receiving Worker's Compensation

Employees receiving worker's compensation shall, upon request to the Personnel Board, be granted sick leave pay from their available non-occupational sick leave credit in an amount that, when added to the worker's compensation payment, will result in payment equal to their regular straight-time pay for normally scheduled work during the period of absence for worker's compensation.

SECTION 9.25 OCCUPATIONAL SICK LEAVE

Employees not subject to the provisions of M.G.L. Chapter 152, who are incapacitated from the performance of their duties as a result of illness or injury arising out of employment with the Town, shall receive their usual gross pay, exclusive of overtime and without tax deductions, for the period of absence resulting from the incapacity, upon presentation to the Personnel Board of a certificate from a practicing physician sustaining the claim of employment-related incapacity. If such period of incapacity as described herein exceeds thirty (30) days, continued payment beyond such period shall be subject to the approval of the Personnel Board which may require periodic written testimony from a practicing physician supporting the claim of continued incapacity.

SECTION 9.26 UNAUTHORIZED ABSENCE WITHOUT LEAVE

Any unauthorized and unreported employee absence shall be considered absence without leave and deduction of pay shall be made for the period of such absence. Time absent without leave shall not be included in computation of continuous service.

SECTION 9.27 PERSONNEL APPEALS

In accordance with all applicable state and federal laws, rules and regulations of the Massachusetts Civil Service Commission, and collective bargaining agreements, the Personnel Board may, according to such procedural rules as it deems appropriate, and in a manner not infringing upon the statutory prerogatives of the Town Meeting or of appointing authorities, resolve the appeals of Town employees and officers who are aggrieved by any action taken under authority of this rticle, other than an action of the Town Meeting.

SECTION 9.28 AMENDMENTS

The Personnel Board shall make those recommendations to any Town Meeting as it deems proper and necessary for the amendment of this article.

ARTICLE 10

PENALTIES AND ENFORCEMENT OF TOWN BY-LAWS, RULES AND REGULATIONS

SECTION 10.1 PENALTIES

10.1.1 Whoever performs an act, or carries on a business or an activity within the Town for which a license or permit is required by the provisions of these General By-Laws, the Building, Plumbing and Electrical Wiring Codes and the Zoning By-Laws, without having a valid outstanding license or permit to perform such an act, or to carry on such business or activity, shall, unless a specific penalty is provided elsewhere in said by-laws or codes, be punished by a fine of not exceeding twenty dollars ($20.00) for each offense.

10.1.2 Except as may be otherwise provided by law, and as the district court may see fit to impose, the maximum penalty for each violation, or offense, brought in such manner, shall be three hundred dollars ($300.00).

SECTION 10.2 ENFORCEMENT

10.2.1 Criminal Complaint. Any person violating any provision of this article may be penalized by indictment or on complaint brought in the district court.

10.2.2 Non-criminal Disposition. Any person violating any provision of this article, the violation of which is subject to a specific penalty, may be penalized by a non-criminal disposition as provided in M.G.L. Chapter 40, Section 21D. The non-criminal method of disposition may also be used for violations of any rule or regulation of any municipal officer, board or department which is subject to a specific penalty.

Without intending to limit the generality of the foregoing, it is the intention of this provision that the following sub-sections are to be included within the scope of this sub-section, that the specific penalties as listed here shall apply in such cases and that in addition to the municipal personnel listed for each section, if any, police officers shall in all cases be considered enforcing persons for the purpose of this provision; and

each day on which any violation exists shall be deemed to be a separate offense.

10.2.2.1 Zoning By-Law

Enforcement Agent: Building Inspector, Assistant Building Inspector
Fine Schedule:
Warning - First Offense;
$50. - subsequent offenses

10.2.2.2 Sign By-Law (Section 6)

Enforcement Agent: Building Inspector, Assistant Building Inspector
Fine Schedule:
Warning - First offense;
$50. - subsequent offenses

10.2.2.3 Police Regulations

A. Grazing Of Animals (Sub-section 3.1.1)
Fine Schedule:
$20. per offense

B. Obstructing Public Ways Or Sidewalks (Sub-section 3.1.2)

Fine Schedule:
$20. per offense

C. Carrying Refuse Substances Without Board Of Health Approval (Sub-section 2.6.1)

Enforcement Agent: Health Director and Sanitarian
Fine Schedule:
$20. per offense

D. Leaving Refuse Matter Without Board Of Health License (Sub-section 2.6.2)

Enforcement Agent: Health Director and Sanitarian
Fine Schedule:
$50. per offense

E. Coasting On A Public Way (Sub-section 3.1.3)

Fine Schedule:
$20. per offense

F. Public Gatherings Without A Permit (Sub-section 3.1.11)

Fine Schedule:
$20. per offense

G. Driving On A Public Sidewalk or Footpath (Sub-section 3.1.4)

Fine Schedule:
$20. per offense

H. Riding Bicycles On Sidewalks In Needham Square and The Heights Square Business Districts (Sub-section 3.1.5)

Fine Schedule:
$20. per offense

I. Standing So As To Obstruct Sidewalks Or Public Places (Sub-section 3.1.6)

Fine Schedule:
$20. per offense

J. Discharging A Firearm (Sub-section 3.1.7)

Fine Schedule:
$35. per offense

K. Corner Clearance (Sub-section 2.2.4.2.7)

Enforcement Agent: Town Engineer/Building Inspector
Fine Schedule:
$20. per offense

L. Alcoholic Beverages On Public Property (Sub-sections 3.1.10, 3.1.13)

Fine Schedule:
$50. per offense

M. Licensed Hawkers And Peddlers (Sub-section 3.1.12)

Fine Schedule:
$20. per offense

N. Nighttime Closing Hours (Sub-sections 3.2.1 through 3.2.6)

Fine Schedule:
$200. per offense

O. Obstructing Fire Lanes (Sub-sections 3.6.1.1 through 3.6.1.3)

Enforcement Agent: Fire Chief/Fire Inspectors
Fine Schedule:
$35. per offense

P. Public Carriages (Taxis) (Sub-sections 4.2.1 through 4.2.4)

Fine Schedule:
$35. per offense

Q. Abandoned Cars (Sub-section 3.5.7)

Fine Schedule:
$20.00

10.2.2.4 Conservation Commission Regulations

A. Wetlands Protection By-Law (Sub-sections 7.1 through 7.15)

Enforcement Agent: Conservation Commission Chairman/Conservation Agent
Fine Schedule:
$100. first offense
$200. subsequent offenses

10.2.2.5 Fire Department Licenses And Permits (Sub-sections 4.3.1 through 4.3.3)

A. Removing Underground Tank Without A Permit

Enforcement Agent: Fire Chief/Fire Inspector
Fine Schedule:
$20. per offense

B. Failure To Obtain Required Fire Department License Or Permit

Enforcement Agent: Fire Chief/ Deputy Chiefs/ Fire Inspectors
Fine Schedule:
$20. per offense

10.2.2.6 Board Of Health Regulations

A. Disposal Of Refuse - Chapter V

Enforcement Agent: Health Director and Sanitarian
Fine Schedule:
$20. per offense

B. Nuisance And General Sanitation - Chapter VI

Enforcement Agent: Health Director and Sanitarian
Fine Schedule:
Warning - first offense
$25. - subsequent offense

C. Hazardous Waste Clean-Up effective 1/14/89 Chapter V

Enforcement Agent: Health Director and Sanitarian
Fine Schedule:
$25. - First day
$50. - subsequent days

ARTICLE 11

LEGAL CONSTRUCTION OF GENERAL BY-LAW PROVISIONS

SECTION 11.1 DEFINITIONS

As used in these General By-Laws, the following words and phrases shall have the following meanings, unless the context clearly requires a different construction:

Home Rule Amendment - Amendment Article II of the Constitution of the Commonwealth, as revised by Amendment Article LXXXIX of said Constitution, all as the same from time to time be amended hereafter.

M.G.L. - the General Laws of the Commonwealth of Massachusetts, as most recently amended.

Town - the Town of Needham.

Town Charter - Acts of 1971, Chapter 403 (the Needham Special Home Rule Charter Act), as from time to time amended.

SECTION 11.2 EFFECT OF GENERAL LAW AMENDMENTS

If a provision of the General Laws, cited in a Town by-law, shall be renumbered and located elsewhere in the General Laws by the General Court or by an initiative law, the old citation appearing in by-law shall be construed as meaning the new provision, until such by-law is amended to correct the reference. The Town Counsel shall, as necessary, submit to the Town Meeting as soon as may be, proposals to correct any statutory references in the Town by-laws.

SECTION 11.3 CONSTITUTION OF OTHER WORDS AND PHRASES

Words and phrases used in General By-Law provisions enacted under authority of, or in implementation of, general or special laws of the Commonwealth shall have the meaning such words and phrases have in said laws, unless the by-law context clearly requires a different construction.

SECTION 11.4 SEVERABILITY CLAUSE

These Articles, and their various parts, sections and clauses thereof, are hereby declared to be severable. If any part, section or clause is adjudged invalid by the Attorney General or by a court of competent jurisdiction, the remainder shall remain in full force and effect.

ARTICLE 14 ZONING AMENDMENT (SECTION 1)

To see if the Town will vote to amend the Zoning By-Law, Subsection 1.4 Non-Conformance, as follows:

(a) Delete the words in paragraph 1.4.4 Restoration in the last sentence "except the Board of Appeals may issue a special permit for an increase in the gross floor area or the gross volume of such building by not more than ten (10) percent."

(b) Delete the existing sub-paragraph (b) in Section 1.4.5 in its entirety and substitute the following sub-paragraph (b):

> "When the use has been discontinued or the stock-in-trade, equipment or furnishings characteristic of the use have been removed from the premises, for twenty-four consecutive months; or"

(c) Delete the existing paragraph 1.4.6 Alteration in its entirety and substitute the following new paragraph 1.4.6:

> A lawful pre-existing nonconforming use may be changed or extended and a non-conforming building may be structurally altered, enlarged or reconstructed only pursuant to a special permit issued by the Board of Appeals pursuant to Section 7.5.2. No such permit shall be issued except in accordance with the requirements of Section 7.5.2 nor unless the board shall determine that such change, extension, alteration, enlargement or reconstruction would not be substantially more detrimental to the neighborhood than using the existing non-conforming use or structure. The issuance of a special permit hereunder shall not authorize the violation of any dimensional, parking or intensity regulation with which the structure or use was theretofore in conformity.

(d) Delete the existing paragraph 1.4.7 Extension in its entirety and substituting the following new paragraph 1.4.7:

> Construction or operations under a building or special permit shall conform to any subsequent amendment of this by-law unless the use or construction is commenced within a period of not more than six months after the issuance of the permit and in cases involving construction, unless such construction is

continued through completion as continuously and expeditiously as is reasonable;

or take any other action relative thereto.

MOVED: That the Town amend the Zoning By-Law, Subsection 1.4 Non-Conformance, as follows:

(a) Delete the words in paragraph 1.4.4 Restoration in the last sentence "except the Board of Appeals may issue a special permit for an increase in the gross floor area or the gross volume of such building by not more than ten (10) percent."

(b) Delete the existing sub-paragraph (b) in Section 1.4.5 in its entirety and substitute the following sub-paragraph (b):

"When the use has been discontinued or the stock-in-trade, equipment or furnishings characteristic of the use have been removed from the premises, for twenty-four consecutive months; or"

(c) Delete the existing paragraph 1.4.6 Alteration in its entirety and substitute the following new paragraph 1.4.6:

A lawful pre-existing nonconforming use may be changed or extended and a non-conforming building may be structurally altered, enlarged or reconstructed only pursuant to a special permit issued by the Board of Appeals pursuant to Section 7.5.2. No such permit shall be issued except in accordance with the requirements of Section 7.5.2 nor unless the board shall determine that such change, extension, alteration, enlargement or reconstruction would not be substantially more detrimental to the neighborhood than using the existing non-conforming use or structure. The issuance of a special permit hereunder shall not authorize the violation of any dimensional, parking or intensity regulation with which the structure or use was theretofore in conformity.

(d) Delete the existing paragraph 1.4.7 Extension in its entirety and substituting the following new paragraph 1.4.7:

Construction or operations under a building or special permit shall conform to any subsequent amendment of this by-law unless the use or construction is commenced within a period of not more than six months after the issuance of the permit and in cases involving construction, unless such construction is continued through completion as continuously and expeditiously as is reasonable.

Mr. Paul Killeen, member, addressed this proposal on behalf of the Planning Board.

A motion to amend was offered by Mr. David C. Gerber under part (d) by adding the following title to new paragraph 1.4.7 "Conformance with Subsequent Amendments", so that part (d) reads as follows:

(d) Delete the existing paragraph 1.4.7 Extension in its entirety and substituting the following new paragraph 1.4.7:

1.4.7 Conformance with Subsequent Amendments
Construction or operations under a building or special permit shall conform to any subsequent amendment of this by-law unless the use or construction is commenced within a period of not more than six months after the issuance of the permit and in cases involving construction, unless such construction is continued through completion as continuously and expeditiously as is reasonable.

Mr. Gerber's motion to amend was presented and carried unanimously by voice vote.

ACTION: The main motion, as amended, was presented and carried unanimously by voice vote.

VOTED: That the Town amend the Zoning By-Law, Subsection 1.4 Non-Conformance, as follows:

(a) Delete the words in paragraph 1.4.4 Restoration in the last sentence "except the Board of Appeals may issue a special permit for an increase in the gross floor area or the gross volume of such building by not more than ten (10) percent."

(b) Delete the existing sub-paragraph (b) in Section 1.4.5 in its entirety and substitute the following sub-paragraph (b):

"When the use has been discontinued or the stock-in-trade, equipment or furnishings characteristic of the use have been removed from the premises, for twenty-four consecutive months; or"

(c) Delete the existing paragraph 1.4.6 Alteration in its entirety and substitute the following new paragraph 1.4.6:

A lawful pre-existing nonconforming use may be changed or extended and a non-conforming building may be structurally altered, enlarged or reconstructed only pursuant to a special permit issued by the Board of Appeals pursuant to Section 7.5.2. No such permit shall be issued except in accordance with the requirements of Section 7.5.2 nor unless the board shall determine that such change, extension, alteration, enlargement or reconstruction would not be substantially more detrimental to the neighborhood than using the existing non-conforming use or structure. The issuance of a special permit hereunder shall not authorize the violation of any dimensional, parking or intensity regulation with which the structure or use was theretofore in conformity.

(d) Delete the existing paragraph 1.4.7 Extension in its entirety and substituting the following new paragraph 1.4.7:

1.4.7 Conformance with Subsequent Amendments
Construction or operations under a building or special permit shall conform to any subsequent amendment of this by-law unless the use or construction is commenced within a period of not more than six months after the issuance of the permit and in cases involving construction, unless such construction is continued through completion as continuously and expeditiously as is reasonable.

ARTICLE 15 ZONING AMENDMENT (SECTION 3)

To see if the Town will vote to amend the Zoning By-Law, Section 3, Use Regulations as follows:

(a) Change Subsection 3.2 Schedule of Use Regulations by deleting the following subheadings that appear in the left column:

AGRICULTURE
PUBLIC, SEMI-PUBLIC & INSTITUTIONAL
RESIDENCE
INSTITUTIONAL
BUSINESS
MANUFACTURING
ACCESSORY

(b) Change paragraph 3.2.1 Uses in the Chestnut Street and Center Business Districts by deleting the following subheadings that appear in the left column:

AGRICULTURE
PUBLIC, SEMI-PUBLIC & INSTITUTIONAL
RESIDENCE
INSTITUTIONAL
MANUFACTURING
ACCESSORY

or take any other action relative thereto.

MOVED: That the Town amend the Zoning By-Law, Subsection 3, Use Regulations as follows:

(a) Change Subsection 3.2 Schedule of Use Regulations by deleting the following subheadings that appear in the left column:

AGRICULTURE
PUBLIC, SEMI-PUBLIC & INSTITUTIONAL
RESIDENCE
INSTITUTIONAL
BUSINESS
MANUFACTURING
ACCESSORY

(b) Change paragraph 3.2.1 Uses in the Chestnut Street and Center Business Districts by deleting the following subheadings that appear in the left column:

AGRICULTURE
PUBLIC, SEMI-PUBLIC & INSTITUTIONAL
RESIDENCE
INSTITUTIONAL
MANUFACTURING
ACCESSORY

Mr. David C. Gerber, Chairman, addressed this proposal on behalf of the Planning Board.

ACTION: The main motion was presented and carried unanimously by voice vote.

ARTICLE 16 ZONING AMENDMENT (SECTION 5)

To see if the Town will vote to amend the Zoning By-Law, Section 5, General Regulations as follows:

(a) Change paragraph 5.1.3 as follows:

By deleting the words "Town Engineer" in the second sentence of the first paragraph, and substituting the words "Building Inspector";

or take any other action relative thereto.

MOVED: That the Town amend the Zoning By-Law, Section 5, General Regulations in paragraph 5.1.3 as follows:

By deleting the words "Town Engineer" in the second sentence of the first paragraph, and substituting the words "Building Inspector"

Mr. Stanley R. Tippett, member, addressed this proposal on behalf of the Planning Board.

ACTION: The main motion was presented and carried unanimously by voice vote.

ARTICLE 17 CITIZENS' PETITION (BIRD'S HILL)

To see if the Town will vote to amend the Zoning Map by changing from a Business District to a Single Residence B District a certain geographical area described by Citizens' Petition as follows:

"Assessors Plan No. 11

Lot 69	405 Great Plain Avenue
Lot 1	399 Great Plain Avenue
Lot 6	36 Evans Road
Lot 7	28 Evans Road";

or take any other action relative thereto.

MOVED: That the Town amend the Zoning Map by changing from a Business District to a Single Residence B District a certain geographical area described by Citizens' Petition as follows:

"Assessors Plan No. 11

Lot 69	405 Great Plain Avenue
Lot 1	399 Great Plain Avenue
Lot 6	36 Evans Road
Lot 7	28 Evans Road."

Mrs. Beverly Pavasaris, one of the petitioners, addressed this proposal on behalf of the petitioners. She advised that the petitioners support the present businesses located at the Bird's Hill area, but the purpose of this article is to amend the Zoning Map to change this area from a Business District to a Single Residence B District. The petitioners are also concerned about the increasing automobile and pedestrian traffic with Hersey Station also in the vicinity. While some improvements have been made, the area residents would like assurance that future businesses would conform to the Zoning By-Laws. Mrs. Pavasaris urged either support of this article or support of the Planning Board's recommendation to further study this area.

Mrs. Susan D. Baer, Town Meeting Member and Attorney for the owner of the Bird's Hill Pharmacy, urged defeat of this proposal. Mrs. Baer indicated that while the petitioners had 100 signatures favoring this Zoning Map change, those in opposition of the change had 1500 signatures. She noted that this proposal is not good long term zoning planning and urged defeat of Article 17.

Mr. David C. Gerber, Chairman, suggested that a study of this article which related to several small business areas throughout the town would be appropriate.

A motion was offerd by Mr. John H. Cogswell to refer the subject matter of Article 17 to the Planning Board for further study and to report to the next Annual Town Meeting or sooner.

Town Meeting Members Marjorie M. Margolis and Gordon H. Piper spoke in favor of the motion to refer. In response to an inquiry from Mr. Thomas O. Bean, Mr. David C. Gerber advised that if this article was passed, a vacant store could still be rented for retail use and the pharmacy could still be expanded for retail use.

Mr. Cogswell's motion to refer Article 17 to the Planning Board was presented and carried unanimously by voice vote.

ARTICLE 18 was unanimously withdrawn earlier.

ARTICLE 19 **Citizens' Petition (Central Ave. - Industrial)**

To see if the Town will vote to amend the Zoning Map by changing from a Single Residence B District to an Industrial District a certain area of land being bounded and described as follows:

> That certain area of land commencing on Central Avenue at the bridge over the Charles River and on the West side of Central Avenue and continuing for a distance of approximately 388.78 feet to the Southerly boundary of premises now or formerly of Edison Vara and turning and continuing for a distance of one hundred (100) feet, and turning and running on a line parallel to Central Avenue, to the Charles River and then turning and running along said Charles River to the point of beginning. Said land being a portion of land assessed to and owned by Gerard R. Kineen, Patrick McCarrick, James A. Turbayne, Estate of Angelina Pellegrini, and Estate of Edison Vara, respectively and said premises herein described containing 38,878 square feet of land, and being shown as portions of Parcels 11, 12, 13, 14 and 15 on Assessors Plan #80 of the Town of Needham;

or take any other action relative thereto.

MOVED: That the Town amend the Zoning Map by changing from a Single Residence B District to an Industrial District a certain area of land being bounded and described as follows:

> That certain area of land commencing on Central Avenue at the bridge over the Charles River and on the West side of Central Avenue and continuing for a distance of approximately 388.78 feet to the Southerly boundary of premises now or formerly of Edison Vara and turning and continuing for a distance of one hundred (100) feet, and turning and running on a line parallel to Central Avenue, to the Charles River and then turning and running along said Charles River to the point of beginning. Said land being a portion of land assessed to and owned by Gerard R. Kineen, Patrick McCarrick, James A. Turbayne, Estate of Angelina Pellegrini, and Estate of Edison Vara, respectively and said premises herein described containing 38,878 square feet of land, and being shown as portions of Parcels 11, 12, 13, 14 and 15 on Assessors Plan #80 of the Town of Needham.

Mr. John J. Donoghue, sponsor of Article 19 and Executor of the Estate of Angelina Pellegrini, owner of real estate located at 34 Central Avenue (one parcel included in the five parcels of land involved in the petition) addressed this proposal. He explained that his client's property has been used for business purposes for over fifty years having obtained a variance in 1974 to change the use of the property from a restaurant to antique retail store. He explained that he has a prospective purchaser who would establish his plumbing operation at the site and use the second floor for a residence by a member of his family. He urged approval of this proposal.

Mrs. Joanne Hull Roth, member, addressed this proposal on behalf of the Planning Board. She advised that the Planning Board held a public hearing on this petition after which the Planning Board voted unanimously to oppose this article. The area is a gateway to Needham and in an historical section. If the proposal were to be adopted, any of the industrial uses in the Zoning By-Law could be developed in this area.

Mr. Hertz N. Henkoff, Chairman of the Board of Appeals, presented a brief history of this area. He noted that the Board cannot grant a variance under the present statute. He also noted that the Board does not endorse any town meeting articles. However, Mr. Henkoff and Mr. John H. Cogswell did suggest a possible zoning change for the area such as a "benign business zone".

A motion was offered by Mr. Hertz N. Henkoff that the subject matter of Article 19 be referred to the Planning Board for further study and to report to the next Annual Town Meeting or sooner.

Speaking in opposition to this proposal were Mrs. Blanche D. Randall and Mr. Foster S. Crook. Mr. Crook noted that the Needham Heights Neighborhood Association voted in opposition to this article.

Mr. John H. Cogswell supported Mr. Henkoff's motion to refer and suggested the need for a committee of area neighbors and Planning Board members to study the proposal.

Mr. Henkoff's motion to refer was presented and carried by voice vote.

ARTICLE 20 was unanimously withdrawn earlier.

ARTICLE 21 **AMEND GENERAL BY-LAWS, ARTICLE XVII (DEMOLITION OF HISTORICAL BUILDINGS)**

To see if the Town will vote to amend the General By-Laws, Article XVII by adding a new Section 5 as follows:

SECTION 5

5.1 PURPOSE: A demolition delay by-law provides a review procedure which results in a delay in the demolition of historically significant buildings. Such a by-law does not sanction or deny a proposed demolition but allows time for consideration of preservation alternatives to destruction. Property owners retain final decision-making authority.

5.2 DEFINITIONS:

Historically significant - property that has been associated with historic person(s) or event(s); property that is listed or awaiting listing in National and/or State Registers; property that has been designated by Needham Historical Commission as architecturally significant or unusual.

Preferably preserved - worthy of a delay period to allow consideration of alternatives to demolition.

5.3 INITIAL DETERMINATION:

5.3.1 When an application for a building demolition permit is filed with the Building Department, the Building Department shall determine if the building is contained in the Needham Historical Commission Inventory.

5.3.2 If the building is not contained in the inventory, the demolition permit will not be reviewed by the Needham Historical Commission.

5.3.3 If the building is contained in the inventory, the demolition permit application will be reviewed by the Historical Commission.

5.4 PROCEDURE FOR REVIEW

5.4.1 The Building Department must submit the application within 5 business days to the Historical Commission.

5.4.2 The Historical Commission must determine whether the building is historically significant. This must be done within 21 days of receipt of the application.

5.4.3 The owner of the property may make a presentation to the Commission if (s)he chooses.

5.4.4 If the Commission finds that the building is not historically significant, there will not be a Demolition Plan Review.

5.4.5 If the building is found to be historically significant, there will be a Demolition Plan Review.

5.5 DEMOLITION PLAN REVIEW PROCESS:

5.5.1 The applicant must submit 5 copies of a Demolition Plan to the Historical Commission. The Demolition Plan shall contain:

1. A map or plan showing the location of the building or structure to be demolished.

2. A photograph of the street facade elevation.
3. A narrative description of the building or structure, or part thereof, to be demolished.

4. The reason for the proposed demolition and data supporting said reason, including (where applicable) data sufficient to establish any economic justification for the demolition.

5. A brief description of the proposed reuse of the property on which the building or structure to be demolished is located.

5.5.2 Within 21 days of the receipt of the Demolition Plan, the Historical Commission must determine whether the building is preferably preserved.

5.5.3 If the building is not determined to be preferably preserved, the application for a permit to demolish will be returned to the Building Department immediately.

5.5.4 If the building is determined to be preferably preserved, the application for a permit to demolish need not be returned to the Building Department for a period of 3 months from the date on which the Historical Commission files its report to prevent demolition.

5.5.5 If the Commission is satisfied that the applicant/owner has sincerely tried to find alternatives to demolition with no success, the application may be returned to the Building Department before the expiration of the 3-month period.

5.5.6 In any event, at the expiration of the 3-month period, the application shall be returned to the Building Department.

5.6 FAILURE TO ACT: If the Historical Commission fails to act within the specified time limits, the Building Inspector may issue a demolition permit without the approval of the Commission.

5.7 BUILDING PERMITS: No permit for the erection of a new structure on the site of an existing historically significant building may be issued prior to the issuance of a demolition permit for such an existing building.

5.8 EMERGENCY DEMOLITIONS: The Building Inspector may issue a demolition permit at any time in the event of imminent and substantial danger to the health or safety of the public due to deteriorating conditions in the historically significant building. The Building Inspector shall inspect the building and document, in writing, the findings and reasons requiring an emergency demolition, a copy of which shall be forwarded immediately to the Historical Commission.

5.9 ENFORCEMENT AND REMEDIES: The Building Inspector shall institute any and all proceedings in law or equity necessary to obtain compliance with the requirements of the general Town by-law.

5.10 SEVERABILITY: If, for any reason, a section, paragraph or part of this by-law is judicially declared invalid or unconstitutional, every other section, paragraph and part shall continue in full force and effect.

5.11 RULES AND REGULATIONS: Pursuant to Mass. G.L. Chapter 40, Section 8D and Section 4 above, the Historical Commission shall make rules and regulations to implement this section;

or take any other action relative thereto.

MOVED: That the Town amend the General By-Laws, Article XVII by adding a new Section 5 as follows:

SECTION 5

5.1 PURPOSE: A demolition delay by-law provides a review procedure which results in a delay in the demolition of historically significant buildings. Such a by-law does not sanction or deny a proposed demolition but allows time for consideration of preservation alternatives to destruction. Property owners retain final decision-making authority.

5.2 DEFINITIONS:

Historically significant - property that has been associated with historic person(s) or event(s); property that is listed or awaiting listing in National and/or State Registers; property that has been designated by Needham Historical Commission as architecturally significant or unusual.

Preferably preserved - worthy of a delay period to allow consideration of alternatives to demolition.

5.3 INITIAL DETERMINATION:

5.3.1 When an application for a building demolition permit is filed with the Building Department, the Building Department shall determine if the building is contained in the Needham Historical Commission Inventory.

5.3.2 If the building is not contained in the inventory, the demolition permit will not be reviewed by the Needham Historical Commission.

5.3.3 If the building is contained in the inventory, the demolition permit application will be reviewed by the Historical Commission.

5.4 PROCEDURE FOR REVIEW

5.4.1 The Building Department must submit the application within 5 business days to the Historical Commission.

5.4.2 The Historical Commission must determine whether the building is historically significant. This must be done within 21 days of receipt of the application.

5.4.3 The owner of the property may make a presentation to the Commission if (s)he chooses.

5.4.4 If the Commission finds that the building is not historically significant, there will not be a Demolition Plan Review.

5.4.5 If the building is found to be historically significant, there will be a Demolition Plan Review.

5.5 DEMOLITION PLAN REVIEW PROCESS:

5.5.1 The applicant must submit 5 copies of a Demolition Plan to the Historical Commission. The Demolition Plan shall contain:

1. A map or plan showing the location of the building or structure to be demolished.

2. A photograph of the street facade elevation.

3. A narrative description of the building or structure, or part thereof, to be demolished.

4. The reason for the proposed demolition and data supporting said reason, including (where applicable) data sufficient to establish any economic justification for the demolition.

5. A brief description of the proposed reuse of the property on which the building or structure to be demolished is located.

5.5.2 Within 21 days of the receipt of the Demolition Plan, the Historical Commission must determine whether the building is preferably preserved.

5.5.3 If the building is not determined to be preferably preserved, the application for a permit to demolish will be returned to the Building Department immediately.

5.5.4 If the building is determined to be preferably preserved, the application for a permit to demolish need not be returned to the Building Department for a period of 3 months from the date on which the Historical Commission files its report to prevent demolition.

5.5.5 If the Commission is satisfied that the applicant/owner has sincerely tried to find alternatives to demolition with no success, the application may be returned to the Building Department before the expiration of the 3-month period.

5.5.6 In any event, at the expiration of the 3-month period, the application shall be returned to the Building Department.

5.6 FAILURE TO ACT: If the Historical Commission fails to act within the specified time limits, the Building Inspector may issue a demolition permit without the approval of the Commission.

5.7 BUILDING PERMITS: No permit for the erection of a new structure on the site of an existing historically significant building may be issued prior to the issuance of a demolition permit for such an existing building.

5.8 EMERGENCY DEMOLITIONS: The Building Inspector may issue a demolition permit at any time in the event of imminent and substantial danger to the health or safety of the public due to deteriorating conditions in the historically significant building. The Building Inspector shall inspect the building and document, in writing, the findings and reasons requiring an emergency demolition, a copy of which shall be forwarded immediately to the Historical Commission.

5.9 ENFORCEMENT AND REMEDIES: The Building Inspector shall institute any and all proceedings in law or equity necessary to obtain compliance with the requirements of the general Town by-law.

5.10 SEVERABILITY: If, for any reason, a section, paragraph or part of this by-law is judicially declared invalid or unconstitutional, every other section, paragraph and part shall continue in full force and effect.

5.11 RULES AND REGULATIONS: Pursuant to Mass. G.L. Chapter 40, Section 8D and Section 4 above, the Historical Commission shall make rules and regulations to implement this section.

With the passage of Article 13 (Recodification of General By-Laws), a motion to amend was offered by Mrs. Carol Johnson Boulris to amend the General By-Laws, Article 2, by adding a new Section 2.11.5 and the following sections to appear consecutive as 2.11.5.1 etc.

A second motion to amend was offered by Mrs. Carol Johnson Boulris under Section 5.2 Definitions: Historically significant, at the end of the first line after the words "property that is", add the words "listed in the Needham Historical Inventory and is", so that the definition is: "property that has been associated with historic person(s) or event(s); property that is listed in the Needham Historical Inventory and is listed or awaiting listing in National and/or State Registers; . . . ".

A third motion to amend was offered by Mrs. Carol Johnson Boulris under Section 5.5 DEMOLITION PLAN REVIEW PROCESS: Section 5.5.1, Item 5 to eliminate in its entirety the following sentence: "5. A brief description of the proposed reuse of the property on which the building or structure to be demolished is located."

Mrs. Carol Johnson Boulris, Town Meeting Member and Chairman of the Historical Commission addressed this proposal. She advised that it is the intent of the Commission to have this By-Law in place in order to provide consideration of alternatives to demolition of historically significant buildings in the Town of Needham.

A motion to amend was offered by Mr. Eric W. Fleming to strike Section 5.10 SEVERABILITY: . . . and renumber Section 5.11 to 5.10.

A fifth motion to amend was offered by Mrs. Carol Johnson Boulris under Section 5.2 Definitions: Historically significant, to change the wording so that it reads: property that is listed in the Needham Historical Inventory and is listed or awaiting listing in the National and/or State Registers, this property having been associated with historic person(s) or event(s) or having been designated by the Needham Historical Commission as architecturally significant or unusual.

After a brief discussion, a motion to move the previous question was offered by Mr. Robert A. Downs. The motion was presented and carried unanimously by voice vote.

A motion to withdraw the second motion to amend under Section 5.2 Definitions: Historically significant was offered by Mrs. Carol Johnson Boulris. The motion to withdraw was presented and carried unanimously by voice vote.

Mr. Fleming's motion to amend was presented and carried by voice vote.

Mrs. Boulris' motion to amend under Section 5.5 DEMOLITION PLAN REVIEW PROCESS was presented and carried unanimously by voice vote.

Mrs. Boulris' fifth motion to amend under Section 5.2 Definitions: Historically significant was presented and carried unanimously by voice vote.

ACTION: The main motion, as amended, was presented and carried unanimously by voice vote. The second main motion to amend the General By-Laws, Article 2, by adding a new Section 2.11.5 and the following sections to appear consecutively as 2.11.5.1, etc. was presented and carried unanimously by voice vote.

VOTED: That the Town amend the General By-Laws, Article 2, by adding a new Section 2.11.5 and the following sections to appear consecutively as 2.11.5.1 etc.:

SECTION 2.11.5

2.11.5.1 PURPOSE: A demolition delay by-law provides a review procedure which results in a delay in the demolition of historically significant buildings. Such a by-law does not sanction or deny a proposed demolition but allows time for consideration of preservation alternatives to destruction. Property owners retain final decision-making authority.

2.11.5.2 DEFINITIONS:

Historically significant - property that is listed in the Needham Historical Inventory and is listed or awaiting listing in the National and/or State Registers, this property having been associated with historic person(s) or event(s) or having been designated by the Needham Historical Commission as architecturally significant or unusual.

Preferably preserved - worthy of a delay period to allow consideration of alternatives to demolition.

2.11.5.3 INITIAL DETERMINATION:

2.11.5.3.1 When an application for a building demolition permit is filed with the Building Department, the Building Department shall determine if the building is contained in the Needham Historical Commission Inventory.

2.11.5.3.2 If the building is not contained in the inventory, the demolition permit will not be reviewed by the Needham Historical Commission.

2.11.5.3.3 If the building is contained in the inventory, the demolition permit application will be reviewed by the Historical Commission.

2.11.5.4 PROCEDURE FOR REVIEW

2.11.5.4.1 The Building Department must submit the application within 5 business days to the Historical Commission.

2.11.5.4.2 The Historical Commission must determine whether the building is historically significant. This must be done within 21 days of receipt of the application.

2.11.5.4.3 The owner of the property may make a presentation to the Commission if (s)he choosses.

2.11.5.4.4 If the Commission finds that the building is not historically significant, there will not be a Demolition Plan Review.

2.11.5.4.5 If the building is found to be historically significant, there will be a Demolition Plan Review.

2.11.5.5 DEMOLITION PLAN REVIEW PROCESS:

2.11.5.5.1 The applicant must submit 5 copies of a Demolition Plan to the Historical Commission. The Demolition Plan shall contain:

1. A map or plan showing the location of the building or structure to be demolished.

2. A photograph of the street facade elevation.

3. A narrative description of the building or structure, or part thereof, to be demolished.

4. The reason for the proposed demolition and data supporting said reason, including (where applicable) data sufficient to establish any economic justification for the demolition.

2.11.5.5.2 Within 21 days of the receipt of the Demolition Plan, the Historical Commission must determine whether the building is preferably preserved.

2.11.5.5.3 If the building is not determined to be preferably preserved, the application for a permit to demolish will be returned to the Building Department immediately.

2.11.5.5.4 If the building is determined to be preferably preserved, the application for a permit to demolish need not be returned to the Building Department for a period of 3 months from the date on which the Historical Commission files its report to prevent demolition.

2.11.5.5.5 If the Commission is satisfied that the applicant/owner has sincerely tried to find alternatives to demolition with no success, the application may be returned to the Building Department before the expiration of the 3-month period.

2.11.5.5.6 In any event, at the expiration of the 3-month period, the application shall be returned to the Building Department.

2.11.5.6 FAILURE TO ACT: If the Historical Commission fails to act within the specified time limits, the Building Inspector may issue a demolition permit without the approval of the Commission.

2.11.5.7 BUILDING PERMITS: No permit for the erection of a new structure on the site of an existing historically significant building may be issued prior to the issuance of a demolition permit for such an existing building.

2.11.5.8 EMERGENCY DEMOLITIONS: The Building Inspector may issue a demolition permit at any time in the event of imminent and substantial danger to the health or safety of the public due to deteriorating conditions in the historically significant building. The Building Inspector shall inspect the building and document, in writing, the findings and reasons requiring an emergency demolition, a copy of which shall be forwarded immediately to the Historical Commission.

2.11.5.9 ENFORCEMENT AND REMEDIES: The Building Inspector shall institute any and all proceedings in law or equity necessary to obtain compliance with the requirements of the general Town by-law.

2.11.5.10 RULES AND REGULATIONS: Pursuant to Mass. G.L. Chapter 40, Section 8D and Section 4 above, the Historical Commission shall make rules and regulations to implement this section.

At 10:50 P.M. Mr. Gerald R. Browne moved that the meeting stand adjourned until Wednesday, May 8, 1991, at 7:30 P.M. at the Newman Middle School and it was so voted unanimously.

Theodora K. Eaton, CMC,
Town Clerk

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ADJOURNED ANNUAL TOWN MEETING

May 8, 1991

Pursuant to adjournment of the Annual Town Meeting held May 6, 1991, the Inhabitants of the Town of Needham qualified to vote in Town Affairs met in the Newman Middle School on Wednesday, May 8, 1991, at 7:30 P.M.

Check lists were used and 270 voters were checked on the list as being present, including 242 Town Meeting Members.

Rev. Gordon C. Swan, Pastor, First Baptist Church, gave the invocation.

The Moderator declared a quorum to be present and requested the Town Clerk to so record.

ARTICLE 22 AMEND GENERAL BY-LAWS, ARTICLE XIX (SIGN REVIEW BOARD)

To see if the Town will vote to change the Needham Sign By-Law, Article XIX of the General By-Laws as follows:

Section 2. DEFINITIONS

"SIGN AREA" - ADD to the end of the definition: "In the event of lettering on an awning, the sign area shall be the area of the smallest horizontally or vertically oriented rectangle which could enclose all the lettering and symbols thereon."

"Temporary Sign" - ADD after "wallboard" the following words: "wood, metal, or plastic."

"Permanent Freestanding Signs" - STRIKE the words: "....wholly separated from the ground and..."

ADD the sentence "Compound Sign, one sign structure with two or more signs on it."

Section 3. ADMINISTRATION

STRIKE the words: "Sign Committee" and the first two paragraph entirely, and ADD instead:

"3.1 Design Review Board. The review of all sign permit applications, and requests for special permits shall be performed by the Design Review Board (herein referred to as the "Board"), as further defined in Section 7.7 of the Needham Zoning By-Law. Three members shall constitute a quorum. All decisions shall require a positive vote of at least three members."

Throughout the By-law, wherever the word "Committee" appears, DELETE it, and substitute the word "Board".

In the third paragraph, after the words: "The Board shall meed..." ADD: "at least monthly ...".

3.2 Issuance of Permits. ADD the underlined words: "No sign shall be erected, enlarged, redesigned, structurally altered, or used without the review of the Board and a sign permit issued by the Building Inspector ...".

In the second paragraph of 3.2, DELETE the word "seven" wherever it appears, and substitute the word "five".

3.4 variance. Wherever the word "Variance" appears, DELETE it, and substitute the words: "Special Permit".

ADD at the end of Section 3.4 a new paragraph: "Special Permits are not transferable.".

3.5 Design Guidelines. ADD at the beginning a new sentence: "The following guidelines shall be used by the Board in its review of all sign applications.".

Section 4. GENERAL REGULATIONS

4.1 Maintenance. ADD at the end the following sentence: "Signs pertaining to a business that has closed, discontinued, or changed its name shall be removed within sixty days."

4.2 Prohibitions.

4.2.1 Illumination. ADD a new paragraph: 4.2.1.d): "Flashing signs, strobe lights, and series or chasing lights, are prohibited from being visible outside a business."

4.2.2 Location. ADD underlined words to 4.2.2.c): "No sign shall be attached to a radio, television, or water tower, or microwave or satellite dish, or any other type of tower or smokestack."

4.2.2.d) ADD underlined words to 4.2.2.d): "No sign shall extend above or beyond the end of the wall to which it is attached, nor overhang a street or sidewalk by more than the thickness (up to 12") of a flat wall sign: except upon the issuance of a Special Permit, a perpendicular sign may be used that does not materially obstruct any neighboring signs or businesses."

Section 5. PERMITTED SIGNS

5.3.1 Number. DELETE "and 5.3.3" from the first sentence, and ADD at the end the following sentence: "However, no permit may be granted for more than one freestanding sign per parcel."

5.3.2 Permanent Attached Signs. ADD the underlined words to Section 5.3.2: "The total area of all permanent attached signs shall be not more than fifteen percent of the projected area of the elevation they are attached to. Each sign shall not exceed 1.5 square feet for every linear foot of the projected area of the elevation to which it is attached, up to a maximum of 32 square feet. If a sign is oriented for visibility from Route 128 (I-95), and is to exceed 32 square feet, then the Board may approve it only after a finding that the sign complies with the Design Guidelines, and no such sign shall exceed one hundred square feet."

5.3.3 Permanent Freestanding Signs

5.3.3.a) ADD the underlined words to Section 5.3.3.a): "Area: If a single sign, the area shall be not more than 32 square feet, and not more than 60

square feet if oriented for visibility from Route 128 (I-95). If a compound sign, the total area of a freestanding sign structure shall not exceed 60 square feet..."

5.3.3.b) Visibility. DELETE the word "eight" and ADD the underlined words to Section 5.3.3.b): "Every freestanding sign placed within thirty feet of the curb line of intersecting streets and driveways shall have an open space of at least seven feet from the ground to the base of the sign, except that monument signs may be no more than 3 feet above street grade."

5.4 Table of Sign Areas. STRIKE the first sentence, and ADD in its place the following four sentences: "The following table of maximum sign sizes is presented for ease of use. For clarification, refer to the appropriate section(s) of the By-law. In some instances, the actual size may be less than the maximum area. Signs of less than 2 square feet require no permit."

In the Table, DELETE the "2" that appears to the right of "All zoning districts," and

ADD underlined words:

"Business, Industrial, or Industrial Park Districts attached [5.3.2] 1.5 sq. ft. for each linear ft. of building ....32";

or take any other action relative thereto.

MOVED: That the Town amend the Needham Sign By-Law, Article 6 of the General By-Laws as follows:

Section 2. DEFINITIONS

"SIGN AREA" - ADD to the end of the definition: "In the event of lettering on an awning, the sign area shall be the area of the smallest horizontally or vertically oriented rectangle which could enclose all the lettering and symbols thereon."

"Temporary Sign" - ADD after "wallboard" the following words: "wood, metal, or plastic."

"Permanent Freestanding Signs" - STRIKE the words: "....wholly separated from the ground and..."

ADD the sentence "Compound Sign, one sign structure with two or more signs on it."

Section 3. ADMINISTRATION

STRIKE the words: "Sign Committee" and the first two paragraph entirely, and ADD instead:

"3.1 Design Review Board. The review of all sign permit applications, and requests for special permits shall be performed by the Design Review Board (herein referred to as the "Board"), as further defined in Section 7.7 of the Needham Zoning By-Law. Three members shall constitute a quorum. All decisions shall require a positive vote of at least three members."

Throughout the By-law, wherever the word "Committee" appears, DELETE it, and substitute the word "Board".

In the third paragraph, after the words: "The Board shall meed..." ADD: "at least monthly ...".

3.2 Issuance of Permits. ADD the underlined words: "No sign shall be erected, enlarged, redesigned, structurally altered, or used without the review of the Board and a sign permit issued by the Building Inspector ...".

In the second paragraph of 3.2, DELETE the word "seven" wherever it appears, and substitute the word: "five".

3.4 variance. Wherever the word "Variance" appears, DELETE it, and substitute the words: "Special Permit".

ADD at the end of Section 3.4 a new paragraph: "Special Permits are not transferable.".

3.5 Design Guidelines. ADD at the beginning a new sentence: "The following guidelines shall be used by the Board in its review of all sign applications.".

Section 4. GENERAL REGULATIONS

4.1 Maintenance. ADD at the end the following sentence: "Signs pertaining to a business that has closed, discontinued, or changed its name shall be removed within sixty days."

4.2 Prohibitions.

4.2.1 Illumination. ADD a new paragraph: 4.2.1.d): "Flashing signs, strobe lights, and series or chasing lights, are prohibited from being visible outside a business."

4.2.2 Location. ADD underlined words to 4.2.2.c): "No sign shall be attached to a radio, television, or water tower, or microwave or satellite dish, or any other type of tower or smokestack."

4.2.2.d) ADD underlined words to 4.2.2.d): "No sign shall extend above or beyond the end of the wall to which it is attached, nor overhang a street or sidewalk by more than the thickness (up to 12") of a flat wall sign: except upon the issuance of a Special Permit, a perpendicular sign may be used that does not materially obstruct any neighboring signs or businesses."

Section 5. PERMITTED SIGNS

5.3.1 Number. DELETE "and 5.3.3" from the first sentence, and ADD at the end the following sentence: "However, no permit may be granted for more than one freestanding sign per parcel."

5.3.2 Permanent Attached Signs. ADD the underlined words to Section 5.3.2: "The total area of all permanent attached signs shall be not more than fifteen percent of the projected area of the elevation they are attached to. Each sign shall not exceed 1.5 square feet for every linear foot of the projected area of the elevation to which it is attached, up to a maximum of 32 square feet. If a sign is oriented for visibility from Route 128 (I-95), and is to exceed 32 square feet, then the Board may approve it only after a finding that the sign complies with the Design Guidelines, and no such sign shall exceed one hundred square feet."

5.3.3 Permanent Freestanding Signs

5.3.3.a) ADD the underlined words to Section 5.3.3.a): "Area: If a single sign, the area shall be not more than 32 square feet, and not more than 60 square feet if oriented for visibility from Route 128

(I-95). If a compound sign, the total area of a freestanding sign structure shall not exceed 60 square feet..."

5.3.3.b) Visibility. DELETE the word "eight" and ADD the underlined words to Section 5.3.3.b): "Every freestanding sign placed within thirty feet of the curb line of intersecting streets and driveways shall have an open space of at least seven feet from the ground to the base of the sign, except that monument signs may be no more than 3 feet above street grade."

5.4 Table of Sign Areas. STRIKE the first sentence, and ADD in its place the following four sentences: "The following table of maximum sign sizes is presented for ease of use. For clarification, refer to the appropriate section(s) of the By-law. In some instances, the actual size may be less than the maximum area. Signs of less than 2 square feet require no permit."

In the Table, DELETE the "2" that appears to the right of "All zoning districts," and

ADD underlined words:

"Business, Industrial, or Industrial Park Districts attached [5.3.2] 1.5 sq. ft. for each linear ft. of building ....32".

A motion to amend was offered by Mr. David W. Kunhardt as follows:

1. In Section 2, Definitions, set "COMPOUND SIGN" in all capital letters, and insert a colon ":" immediately thereafter, and

2. In Section 5 on page 20, in subsection 5.3.2, change "1.5 square feet" to "2 square feet", so that the sentence reads: "...Each sign shall not exceed 2 square feet for every linear foot of the projected area of the elevation to which it is attached, up to a maximum of 32 square feet.", and

3. Similarly, in Section 5.4, concerning the Table of Sign Sizes, change "1.5 sq. ft." to "2 sq. ft.".

Mr. David W. Kunhardt, Chairman, addressed this proposal on behalf of the Design Review Committee. He explained that the purpose of this article is to consolidate the duties of the Sign By-Law into the Design Review Board, clarify definitions, and simplify the process.

After a brief discussion, Mr. Kunhardt's motion to amend was presented and carried unanimously by voice vote.

ACTION: The main motion, as amended, was presented and carried unanimously by voice vote.

VOTED: That the Town amend the Needham Sign By-Law, Article 6 of the General By-Laws as follows:

Section 2. DEFINITIONS

"SIGN AREA" - ADD to the end of the definition: "In the event of lettering on an awning, the sign area shall be the area of the smallest horizontally or vertically oriented rectangle which could enclose all the lettering and symbols thereon."

"Temporary Sign" - ADD after "wallboard" the following words: "wood, metal, or plastic."

"Permanent Freestanding Signs" - STRIKE the words: "....wholly separated from the ground and..."

ADD the sentence "COMPOUND SIGN: one sign structure with two or more signs on it."

Section 3. ADMINISTRATION

STRIKE the words: "Sign Committee" and the first two paragraph entirely, and ADD instead:

"3.1 Design Review Board. The review of all sign permit applications, and requests for special permits shall be performed by the Design Review Board (herein referred to as the "Board"), as further defined in Section 7.7 of the Needham Zoning By-Law. Three members shall constitute a quorum. All decisions shall require a positive vote of at least three members."

Throughout the By-law, wherever the word "Committee" appears, DELETE it, and substitute the word "Board".

In the third paragraph, after the words: "The Board shall meed..." ADD: "at least monthly ...".

3.2 Issuance of Permits. ADD the underlined words: "No sign shall be erected, enlarged, redesigned, structurally altered, or used without the review of the Board and a sign permit issued by the Building Inspector ...".

In the second paragraph of 3.2, DELETE the word "seven" wherever it appears, and substitute the words: "Special Permit".
3.4 variance. Wherever the word "Variance" appears, DELETE it, and substitute the words: "Special Permit".
ADD at the end of Section 3.4 a new paragraph: "Special Permits are not transferable.".

3.5 Design Guidelines. ADD at the beginning a new sentence: "The following guidelines shall be used by the Board in its review of all sign applications.".

Section 4. GENERAL REGULATIONS

4.1 Maintenance. ADD at the end the following sentence: "Signs pertaining to a business that has closed, discontinued, or changed its name shall be removed within sixty days."

4.2 Prohibitions.

4.2.1 Illumination. ADD a new paragraph: 4.2.1.s): "Flashing signs, strobe lights, and series or chasing lights, are prohibited from being visible outside a business."

4.2.2 Location. ADD underlined words to 4.2.2.c): "No sign shall be attached to a radio, television, or water tower, or microwave or satellite dish, or any other type of tower or smokestack."

4.2.2.d) ADD underlined words to 4.2.2.d): "No sign shall extend above or beyond the end of the wall to which it is attached, nor overhang a street or sidewalk by more than the thickness (up to 12") of a flat wall sign: except upon the issuance of a Special Permit, a perpendicular sign may be used that does not materially obstruct any neighboring signs or businesses."

Section 5. PERMITTED SIGNS

5.3.1 Number. DELETE "and 5.3.3" from the first sentence, and ADD at the end the following sentence: "However, no permit may be granted for more than one freestanding sign per parcel."

5.3.2 Permanent Attached Signs. ADD the underlined words to Section 5.3.2: "The total area of all permanent attached signs shall be not more than fifteen percent of the projected area of the elevation they are attached to. Each sign shall not exceed 2 square feet for every linear foot of the projected area of the elevation to which it is attached, up to a maximum of 32 square feet. If a sign is oriented for visibility from Route 128 (I-95), and is to exceed 32 square feet, then the Board may approve it only after a finding that the sign complies with the Design Guidelines, and no such sign shall exceed one hundred square feet."

5.3.3 Permanent Freestanding Signs

5.3.3.a) ADD the underlined words to Section 5.3.3.a): "Area: If a single sign, the area shall be not more than 32 square feet, and not more than 60 square feet if oriented for visibility from Route 128 (I-95). If a compound sign, the total area of a freestanding sign structure shall not exceed 60 square feet..."

5.3.3.b) Visibility. DELETE the word "eight" and ADD the underlined words to Section 5.3.3.b): "Every freestanding sign placed within thirty feet of the curb line of intersecting streets and driveways shall have an open space of at least seven feet from the ground to the base of the sign, except that monument signs may be no more than 3 feet above street grade."

5.4 Table of Sign Areas. STRIKE the first sentence, and ADD in its place the following four sentences: "The following table of maximum sign sizes is presented for ease of use. For clarification, refer to the appropriate section(s) of the By-law. In some instances, the actual size may be less than the maximum area. Signs of less than 2 square feet require no permit."

In the Table, DELETE the "2" that appears to the right of "All zoning districts," and

ADD underlined words:

"Business, Industrial, or Industrial Park Districts attached [5.3.2] 2 sq. ft. for each linear ft. of building ....32".

ARTICLE 23 was previously advanced to Monday, May 13, 1991 to be the first item of business after the dissolution of the Special Town Meeting called for that evening.

ARTICLE 24: AMEND GENERAL BY-LAWS (PROHIBIT DISCHARGE OF WATER ON PUBLIC WAYS)

To see if the Town will vote to amend its General By-law as follows:

In Article IV Police Regulations by adding a new Section 28 as follows:

"Section 28. Discharge of water. No person shall discharge or cause to be discharged ground or surface water collected within a building or on private property in a manner that would place water upon any public way or sidewalk. No person shall allow a discharge to continue for more than ten minutes after being notified to cease by a constable, police officer or selectman"; and

In Article XXII, Section (b) Non-criminal Disposition, by adding the following new paragraph to 3 Police Regulations:

"U. Discharge of Water (Article IC, Section 28)
Fine Schedule:
$20.00 per offense";

or take any other action relative thereto.

MOVED: That the Town vote to amend its General By-Law as follows:

In (recodified) Article 3 Police Regulations, by changing present section 3.1.13 to 3.1.14, and by adding a new Section 3.1.13 as follows:

"Section 3.1.13 Discharge of water. No person shall discharge or cause to be discharged ground or surface water collected within a building or on private property in a manner that would place water upon any public way or sidewalk. No person shall allow a discharge to continue for more than ten minutes after being notified to cease by a constable, police officer or selectman"; and

In Section 10.2.2 Non-criminal Disposition, by adding the following new paragraph to 10.2.2.3 Police Regulations:

"10.2.2.3R Discharge of Water (Section 3.1.13)
Fine Schedule:
$20.00 per offense"

A motion to amend was offered by Mr. John D. Marr, Jr. as follows:

1. Add the words "by mechanical pump" after the word "collected" in the third line.

2. Add the words "or any surface water collected" after the words "building or" on the second and third line, and

3. Strike the words "place water upon any" in the third line and insert in place thereof the words "create a hazardous condition or cause damage to a .....".

Mr. John D. Marr, Jr., Selectman, addressed this proposal on behalf of the Board of Selectmen. The purpose of this article is to amend the General By-Laws and add to the Police Regulations in order to address past problems.

After a brief discussion, Mr. Marr's motion to amend was presented and carried by voice vote.

ACTION: The main motion, as amended, was presented and carried by voice vote.

VOTED: That the Town vote to amend its General By-Law as follows:

In (recodified) Article 3 Police Regulations, by changing present section 3.1.13 to 3.1.14, and by adding a new Section 3.1.13 as follows:

"Section 3.1.13 Discharge of water. No person shall discharge or cause to be

discharged ground or surface water collected by mechanical pump within a building or any surface water collected on private property in a manner that could create a hazardous condition or cause damage to a public way or sidewalk. No person shall allow a discharge to continue for more than ten minutes after being notified to cease by a constable, police officer or selectman; and

In Section 10.2.2 Non-criminal Disposition, by adding the following new paragraph to 10.2.2.3 Police Regulations:

"10.2.2.3R Discharge of Water (Section 3.1.13)
Fine Schedule:
$20.00 per offense"

ARTICLE 25: ELECTED OFFICIALS' SALARIES

To see if the Town will vote to fix the compensation of the following elected officers of the Town as of July 1, 1991, as required by General Laws, Chapter 41, Section 108, as recommended by the Personnel Board and subject to the longevity provisions of paragraph (k) of Section 12 of the Consolidated Personnel By-law:

Town Clerk	$42,000.	
Selectman, Chairman		1,800.
Selectman, Others	1,500.	
Assessor, Chairman	1,800.	
Assessor, Others	1,500.;	

or take any other action relative thereto.

MOVED: That the Town fix the compensation of the following elected officers of the Town as of July 1, 1991, as required by General Laws, Chapter 41, Section 108, as recommended by the Personnel Board and subject to the longevity provisions of paragraph (k) of Section 12 of the Consolidated Personnel By-law:

Town Clerk	$42,000.
Selectman, Chairman	1,800.
Selectman, Others	1,500.
Assessor, Chairman	1,800.
Assessor, Others	1,500.

Mr. Charles W. Wyckoff addressed this proposal on behalf of the Personnel Board. He urged support of this article indicating that there is no change in the existing salaries.

A motion to amend was offered by Mr. William J. Miles, member, on behalf of the Finance Committee to amend the salary stipends of Selectman, Chairman; Selectman, Others; Assessor, Chairman; Assessor, Others; to read zero.

Mr. Miles explained that in these hard economical times, these salaries are considered a luxury afforded no other elected boards. He suggested that these stipends should be used to cover expenses and should be so listed in the budget as an expense item.

Mr. H. Phillip Garrity, Jr., Chairman, Board of Selectmen, advised that this stipend was first established in 1947 and changed to the present rate in 1977. The Concept of these salaries was to supplement these elected officials who were called upon to represent the Town in many areas that are not reimbursable. Lack of this stipend could serve as a deterrent to someone willing to serve on the board.

Mr. Eric W. Fleming rose to request a division of Mr. Miles' motion to amend by voting on the salaries of Selectman, Chairman; Selectman, Others; and Assessor, Chairman; Assessor, Others; and was joined by more than the required twenty Town Meeting Members (General By-Laws, Art. 1, Section 1.7).

Mr. Miles' motion to amend the salary stipends of Assessor, Chairman; Assessor, Others to read zero was presented, but it failed to pass by voice vote.

Mr. Miles' motion to amend the salary stipends of Selectman, Chairman; Selectman, Others to read zero was presented, but it failed to pass by voice vote.

ACTION: The main motion was presented and carried by voice vote.

ARTICLE 26: CLASSIFICATION AND STANDARD RATES OF COMPENSATION

To see if the Town will vote to amend the Classification and Standard Rates of Compensation Schedule in its entirety by substituting therefore a new Classification and Standard Rates of Compensation Schedule;

or take any other action relative thereto.

NOTE:

All revisions to the Classification and Standard Rates of Compensation Schedule will be provided to Town Meeting Members as soon as possible before May 6, 1991.

Except as otherwise required by State Law, the classes of positions in paid appointive service by the Town, other than those in the service of the School Department and Glover Memorial Hospital, and the standard rates of compensation thereof, effective July 1, 1991, may be found in the Classification and Standard Rates of Compensation Schedule, as amended.

MOVED: That the Town amend the Classification and Standard Rates of Compensation in its entirety and by substituting therefore a new Classification and Standard Rates of Compensation.

Ms. Marjorie Reid, member, addressed this proposal on behalf of the Personnel Board. She pointed out the following recommended changes to the Classification and Standard Rates of Compensation Schedule:

a. Add a position classification "Parking Enforcement Attendant S-6".

b. Increase the annual stipend for Director of Civil Defense from $2,000. to $3,000. (Schedule C)

c. Implement the Management Classification study which reduces the number of steps from 9 steps to 6 steps; reduces the number of management grades from 9 grades to 5 grades; establishes a "M" Schedule corresponding to the "S" Salary Schedule as follows: M-5 = current S-23, M-4 = current S-21, M-3 = current S-19, M-2 = current S-18, M-1 = current S-16; does not increase salary rates; and reclassifies 13 positions both up and down.

Several Town Meeting Members expressed concern that the minimum and maximum steps under the new "M" grade increased considerably and that the Town has lost some leverage in the hiring process.

Mr. John J. Ryan expressed concern that the Director of Parks and Recreation and Superintendent of Parks positions were downgraded. Mr. Patrick Hyland expressed concern with the disparity between the

position of Town Clerk and the positions under the new management schedule.

A motion to move the previous question was offered by Mr. Arthur M. Tiernan, Jr. Mr. Paul H. Attridge rose to a point of information. He explained that by voting the new schedules effective January 1, 1992 there would be several employees under the former schedules without salaries and/or schedules.

After the evening recess, the Moderator made the following corrections to the main motion: change the effective date of the new Schedule A and B-1 from January 1, 1991 to December 29, 1991 and the existing Schedules A and B-1 from December 30, 1990 to July 1, 1991.

The motion to move the previous question was presented and carried by voice vote.

ACTION: The main motion was presented and carried by voice vote.

VOTED: That the Town amend the Classification and Standard Rates of Compensation in its entirety and by substituting therefore a new Classification and Standard Rates of Compensation.

FISCAL YEAR 1991
SCHEDULE A
Effective December 29. 1991

Alphabetical listing of Full-time, Part-time (PT) and Seasonal (S) position classifications with compensation grades and schedules:

CLASS TITLE	GRADE/ SCHEDULE
Activity Instructor (PT)	Schedule C
Administrative Assessor	M-2
Administrative Assistant	T-9
Administrative Assistant, Fire Dept.	T-15
Administrative Coordinator	T-10
Administrative Specialist	T-10
Animal Control Officer	S-11
Animal Inspector (PT)	Schedule C
Assistant Administrative Assessor	T-14
Assistant Cataloger	S-9
Assistant Children's Librarian	S-9
Assistant, Council On Aging (PT)	Schedule C
Assistant Director, Park and Recreation	T-12
Assistant Director of Public Library	S-15
Assistant Superintendent, Fire Alarm	FA-2
Assistant Town Clerk	T-10
Associate Director, Council On Aging	T-12
Building Inspector, Substitute (PT)	Schedule C
Canvasser (PT)	Schedule C
Caseworker	T-13
Cataloger	S-13
Children's Librarian	S-13
Circulation Supervisor	S-10
Clerk, Council On Aging(PT)	Schedule C
Code Enforcement Officer (PT)	Schedule C
Committee Secretary, Board of Appeals (PT)	Schedule C
Computer Operator	T-9
Computer Operator/Data Entry	T-9
Conservation Officer (PT)	Schedule C
Control Clerk	T-9
Council On Aging, Executive Director	M-1
Department Assistant 3	T-8
Department Assistant 2	T-7
Department Assistant 1	T-6
Department Specialist	T-9
Deputy Fire Chief [10]	F-4
Deputy Fire Chief, Operations	F-4
Director, Management Information Services	M-3
Director of Civil Defense	Schedule C
Director of Finance	M-4
Director of Parks & Recreation	M-1
Director of Public Health	M-2
Director of Public Library	M-2
Director of Public Works [8]	M-5
Director of Veteran's Services (PT)	Schedule C
Director of Youth Services	M-1
Division Superintendent, Highway [1]	M-2
Division Superintendent, Parks [1]	M-1
Division Superintendent, Sewer [1]	M-2
Division Superintendent, Water [1]	M-2
Draftsman	S-9
Equipment Mechanic	W-6
Equipment Welder	W-6
Finance Committee, Executive Secretary (PT)	Schedule C
Fire Captain [10]	F-3
Fire Chief	M-5
Firefighter [5] [10] [13]	F-1
Fire Lieutenant [10]	F-2
Garage and Equipment Supervisor	M-1
Garage Mechanic	W-4
General Foreman	S-14
Heavy Motor Equipment Operator	W-4
Inspector of Buildings	M-2
Inspector of Plumbing	S-14
Inspector of Wires	S-14
Junior Building Custodian [6]	T-5
Junior Building Custodian (PT)	Schedule C
Laborer	W-1
Library Assistant 1	S-6
Library Assistant 1 (PT)	Schedule C
Library Assistant 2	S-7
Library Assistant 2 (PT)	Schedule C
Library Page (PT)	Schedule C
Lineman	FA-1
Maintenance Man	W-3
Maintenance Worker/Custodian, Police	S-9
Master Mechanic	W-8
Meter Repairman	W-4
Minibus Coordinator	Schedule C
Motor Equipment Operator	W-2
Nutritionist	T-14
Outreach Worker, Council on Aging	T-10
Parking Enforcement Attendant	S-6
Parking Enforcement Attendant (PT)	Schedule C
Patrolman [3] [6] [7] [9] [10] [14]	P-2
Personnel Director	S-17
Planning Director	S-18
Plumbing and Gas Inspector Substitute (PT)	Schedule C
Police Chief	M-5
Police Lieutenant [6] [10] [11]	P-4
Police Matron (PT)	Schedule C
Police Sergeant [3] [4] [6] [7] [9] [10]	P-3
Program Coordinator, Council on Aging (PT)	Schedule C
Programmer/Computer Operator	T-10
Public Health Nurse	T-14
Public Health Nurse (PT)	T-14
Public Works Craftsman	W-4
Public Works Dispatcher	W-4
Public Works Inspector	S-13
Public Works Specialist	W-5
Pumping Station Operator	W-4
Recording Secretary	Schedule C
Recreation Specialist 1	Schedule C
Recreation Specialist 2	Schedule C

Recreation Specialist 3	Schedule C
Recreation Specialist 4	Schedule C
Recreation Specialist 5	Schedule C
Reference Librarian	S-12
Reference Librarian (PT)	Schedule C
Reference Supervisor	S-14
Registrar of Voters (PT)	Schedule C
Sanitarian	T-15
Sanitarian Substitute (PT)	Schedule C
Sealer of Weights & Measurers (PT)	Schedule C
Seasonal Packer/Drivers (PT)	Schedule C
Senior Administrative Coordinator	T-11
Senior Building Custodian	T-9
Senior Building Custodian, Library	S-9
Senior Draftsman [2] [12]	S-12
Senior Engineer [2] [12]	S-14
Senior Systems Analyst	T-16
Shovel Operator	W-6
Student Draftsman and Rodman (PT)	Schedule C
Survey Party Chief	S-12
Systems Analyst	T-13
Temporary Laborer (PT)	Schedule C
Temporary Janitor (PT)	Schedule C
Town Comptroller	M-2
Town Counsel (PT)	Schedule C
Town Engineer [1]	M-3
Town Treasurer and Tax Collector	M-2
Traffic Supervisor (PT)	Schedule C
Tree Climber	W-4
Water Meter Reader	W-3
Wiring Inspector Substitute (PT)	Schedule C
Working Foreman [15]	W-6
Young Adult Librarian	S-12
Youth Services Counselor	T-11

SCHEDULE A FOOTNOTES

Additional Compensation for Specific Assignments

(1) Additional $100.00 per month when assigned to and performing the duties of Assistant Director of Public Works.

(2) Additional $100.00 per month when assigned to and performing the duties of Office Manager as designated by the Director of Public Works.

(3) Additional $1,200.00 per year when assigned to and performing the duties of Detective as designated by the Police Chief.

(4) Additional $40.00 per month when assigned to and performing the duties of Patrol Supervisor as designated by the Police Chief.

(5) Additional $100.00 per month when assigned to and performing the duties of Equipment Mechanic as designated by the Fire Chief.

(6) Additional 6% of base salary when assigned permanently to the night shifts as designated by the Police Chief, or approval by the Personnel Board.

(7) Additional $50.00 per month when assigned to and performing the duties of a Specialist - Youth Officer as designated by the Police Chief.

(8) Said Director shall be the Superintendent of Public Works within the meaning of Section 20 to 30, inclusive of the Needham Special Home Rule Charter Act (Acts of 1971, c. 403), and shall be appointed in the manner and shall exercise the powers and duties of such Superintendent, specified in said act.

(9) Additional $1,200.00 per year when assigned to and performing the duties of Principal Prosecuting Officer as designated by the Police Chief.

(10) The following additional amounts when certified and acting as Emergency Medical Technician: Patrolman, Police Sergeant - .0335 of base rate per year. Firefighter, Fire Lieutenant, Fire Captain, Deputy Fire Chief - .035 of base rate per year.

(11) Additional $2,200.00 per year when assigned to and performing the duties of Executive Officer as designated by the Police Chief.

(12) Additional $100.000 per month when assigned to and performing the duties of Assistant Town Engineer as designated by Director of Public Works.

(13) Additional $100.00 per month when assigned to and performing the duties of Fire Inspector as designated by the Fire Chief.

(14) Additional $50.00 per month when assigned to and performing the duties of Safety Officer as designated by the Police Chief.

(15) Additional $75.00 per month when assigned to and performing the duties of Deputy Tree Warden.

(16) Additional $600.00 per year when assigned to and performing the duties of Workman's Compensation Agent.

(17) Additional $1,500.00 per year when assigned to and performing the duties of Assistant Parking Clerk.

SCHEDULE M - MANAGEMENT SALARY SCHEDULE

Effective 12/29/91

GRADE	MINIMUM	STEP 2	STEP 3	STEP 4	STEP 5	MAXIMUM
M-5	$58,592.	$60,702.	$62,887.	$65,151.	$67,495.	$69,925.
M-4	$51,639.	$53,499.	$55,425.	$57,419.	$59,487.	$61,629.
M-3	$45,129.	$46,753.	$48,437.	$50,181.	$51,988.	$53,860.
M-2	$40,695.	$42,159.	$43,678.	$45,248.	$46,877.	$48,567.
M-1	$35,508.	$36,786.	$38,311.	$39,482.	$40,905.	$42,376.

FISCAL YEAR 1992

SCHEDULE A

Effective July 1, 1991

Alphabetical listing of Full-time, Part-time (PT) and Seasonal (S) position classifications with compensation grades and schedules:

CLASS TITLE	GRADE/ SCHEDULE
Activity Instructor (PT)	Schedule C
Administrative Assessor	S-17
Administrative Assistant	T-9
Administrative Assistant, Fire Dept.	T-15
Administrative Coordinator	T-10
Administrative Specialist	T-10
Animal Control Officer	S-11
Animal Inspector (PT)	Schedule C
Assistant Administrative Assessor	T-14
Assistant Cataloger	S-9
Assistant Children's Librarian	S-9
Assistant, Council On Aging (PT)	Schedule C

Assistant Director, Park and Recreation	T-12
Assistant Director of Public Library	S-15
Assistant Superintendent, Fire Alarm	FA-2
Assistant Town Clerk	T-10
Associate Director, Council On Aging	T-12
Building Inspector, Substitute (PT)	Schedule C
Canvasser (PT)	Schedule C
Caseworker	T-13
Cataloger	S-13
Children's Librarian	S-13
Circulation Supervisor	S-10
Clerk, Council On Aging(PT)	Schedule C
Code Enforcement Officer (PT)	Schedule C
Committee Secretary, Board of Appeals (PT)	Schedule C
Computer Operator	T-9
Computer Operator/Data Entry	T-9
Conservation Officer (PT)	Schedule C
Control Clerk	T-9
Council On Aging, Executive Director	S-17
Department Assistant 3	T-8
Department Assistant 2	T-7
Department Assistant 1	T-6
Department Specialist	T-9
Deputy Fire Chief [10]	F-4
Deputy Fire Chief, Operations	F-4
Director, Management Information Services	S-18
Director of Civil Defense	Schedule C
Director of Finance	S-22
Director of Parks & Recreation	S-17
Director of Public Health	S-18
Director of Public Library	S-18
18rector of Public Works [8]	S-23
Director of Veteran's Services (PT)	Schedule C
Director of Youth Services	S-17
Division Superintendent, Highway [1]	S-17
Division Superintendent, Parks [1]	S-17
Division Superintendent, Sewer [1]	S-17
Division Superintendent, Water [1]	S-17
Draftsman	S-9
Equipment Mechanic	W-6
Equipment Welder	W-6
Finance Committee, Executive Secretary (PT)	Schedule C
Fire Captain [10]	F-3
Fire Chief	S-22
Firefighter [5] [10] [13]	F-1
Fire Lieutenant [10]	F-2
Garage and Equipment Supervisor	M-1
Garage Mechanic	W-4
General Foreman	S-14
Heavy Motor Equipment Operator	W-4
Inspector of Buildings	M-2
Inspector of Plumbing	S-14
Inspector of Wires	S-14
Junior Building Custodian [6]	T-5
Junior Building Custodian (PT)	Schedule C
Laborer	W-1
Library Assistant 1	S-6
Library Assistant 1 (PT)	Schedule C
Library Assistant 2	S-7
Library Assistant 2 (PT)	Schedule C
Library Page (PT)	Schedule C
Lineman	FA-1
Maintenance Man	W-3
Maintenance Worker/Custodian, Police	S-9
Master Mechanic	W-8
Meter Repairman	W-4
Minibus Coordinator	Schedule C
Motor Equipment Operator	W-2
Nutritionist	T-14
Outreach Worker, Council on Aging	T-10
Parking Enforcement Attendant	S-6
Parking Enforcement Attendant (PT)	Schedule C
Patrolman [3] [6] [7] [9] [10] [14]	P-2
Personnel Director	S-17
Planning Director	S-18
Plumbing and Gas Inspector Substitute (PT)	Schedule C
Police Chief	S-22
Police Lieutenant [6] [10] [11]	P-4
Police Matron (PT)	Schedule C
Police Sergeant [3] [4] [6] [7] [9] [10]	P-3
Program Coordinator, Council on Aging (PT)	Schedule C
Programmer/Computer Operator	T-10
Public Health Nurse	T-14
Public Health Nurse (PT)	T-14
Public Works Craftsman	W-4
Public Works Dispatcher	W-4
Public Works Inspector	S-13
Public Works Specialist	W-5
Pumping Station Operator	W-4
Recording Secretary	Schedule C
Recreation Specialist 1	Schedule C
Recreation Specialist 2	Schedule C
Recreation Specialist 3	Schedule C
Recreation Specialist 4	Schedule C
Recreation Specialist 5	Schedule C
Reference Librarian	S-12
Reference Librarian (PT)	Schedule C
Reference Supervisor	S-14
Registrar of Voters (PT)	Schedule C
Sanitarian	T-15
Sanitarian Substitute (PT)	Schedule C
Sealer of Weights & Measurers (PT)	Schedule C
Seasonal Packer/Drivers (PT)	Schedule C
Senior Administrative Coordinator	T-11
Senior Building Custodian	T-9
Senior Building Custodian, Library	S-9
Senior Draftsman [2] [12]	S-12
Senior Engineer [2] [12]	S-14
Senior Systems Analyst	T-16
Shovel Operator	W-6
Student Draftsman and Rodman (PT)	Schedule C
Survey Party Chief	S-12
Systems Analyst	T-13
Temporary Laborer (PT)	Schedule C
Temporary Janitor (PT)	Schedule C
Town Comptroller	S-18
Town Counsel (PT)	Schedule C
Town Engineer [1]	S-19
Town Treasurer and Tax Collector	S-18
Traffic Supervisor (PT)	Schedule C
Tree Climber	W-4
Water Meter Reader	W-3
Wiring Inspector Substitute (PT)	Schedule C
Working Foreman [15]	W-6
Young Adult Librarian	S-12
Youth Services Counselor	T-11

SCHEDULE A FOOTNOTES

Additional Compensation for Specific Assignments

(1) Additional $100.00 per month when assigned to and performing the duties of Assistant Director of Public Works.

(2) Additional $100.00 per month when assigned to and performing the duties of Office Manager as designated by the Director of Public Works.

(3) Additional $1,200.00 per year when assigned to and performing the duties of Detective as designated by the Police Chief.

(4) Additional $40.00 per month when assigned to and performing the duties of Patrol Supervisor as designated by the Police Chief.

(5) Additional $100.00 per month when assigned to and performing the duties of Equipment Mechanic as designated by the Fire Chief.

(6) Additional 6% of base salary when assigned permanently to the night shifts as designated by the Police Chief, or approval by the Personnel Board.

(7) Additional $50.00 per month when assigned to and performing the duties of a Specialist - Youth Officer as designated by the Police Chief.

(8) Said Director shall be the Superintendent of Public Works within the meaning of Section 20 to 30, inclusive of the Needham Special Home Rule Charter Act (Acts of 1971, c. 403), and shall be appointed in the manner and shall exercise the powers and duties of such Superintendent, specified in said act.

(9) Additional $1,200.00 per year when assigned to and performing the duties of Principal Prosecuting Officer as designated by the Police Chief.

(10) The following additional amounts when certified and acting as Emergency Medical Technician: Patrolman, Police Sergeant - .0335 of base rate per year. Firefighter, Fire Lieutenant, Fire Captain, Deputy Fire Chief - .035 of base rate per year.

(11) Additional $2,200.00 per year when assigned to and performing the duties of Executive Officer as designated by the Police Chief.

(12) Additional $100.000 per month when assigned to and performing the duties of Assistant Town Engineer as designated by Director of Public Works.

(13) Additional $100.00 per month when assigned to and performing the duties of Fire Inspector as designated by the Fire Chief.

(14) Additional $50.00 per month when assigned to and performing the duties of Safety Officer as designated by the Police Chief.

(15) Additional $75.00 per month when assigned to and performing the duties of Deputy Tree Warden.

(16) Additional $600.00 per year when assigned to and performing the duties of Workman's Compensation Agent.

(17) Additional $1,500.00 per year when assigned to and performing the duties of Assistant Parking Clerk.

SCHEDULE B1
GENERAL SALARY SCHEDULE
Effective December 29, 1991

GRADE	MINIMUM	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	MAXIMUM
S-19	$40,587.	$42,048.	$43,562.	$45,129.	$46,753.	$48,437.	$50,181.	$51,988.	$53,860.
S-18	$36,598.	$37,916.	$39,279.	$40,695.	$42,159.	$43,678.	$45,248.	$46,877.	$48,567.
S-17	$34,182.	$35,414.	$36,689.	$38,010.	$39,378.	$40,795.	$42,264.	$43,785.	$45,361.
S-16	$31,934.	$33,082.	$34,273.	$35,508.	$36,786.	$38,111.	$39,482.	$40,905.	$42,376.
S-15	$29,574.	$30,639.	$31,743.	$32,884.	$34,067.	$35,295.	$36,564.	$37,881.	$39,245.
S-14	$27,380.	$28,365.	$29,386.	$30,444.	$31,539.	$32,675.	$33,852.	$35,071.	$36,333.
S-13	$25,350.	$26,262.	$27,207.	$28,185.	$29,201.	$30,253.	$31,341.	$32,470.	$33,640.
S-12	$23,483.	$24,330.	$25,205.	$26,112.	$27,052.	$28,027.	$29,035.	$30,079.	$31,163.
S-11	$21,729.	$22,510.	$23,321.	$24,161.	$25,030.	$25,931.	$26,863.	$27,831.	$28,833.
S-10	$20,656.	$21,397.	$22,169.	$22,968.	$23,794.	$24,651.	$25,538.	$26,457.	$27,408.
S-9	$19,167.	$19,859.	$20,573.	$21,314.	$22,080.	$22,875.	$23,700.	$24,551.	$25,436.
S-8	$17,681.	$18,316.	$18,978.	$19,660.	$20,368.	$21,100.	$21,859.	$22,647.	$23,462.
S-7	$16,414.	$17,006.	$17,617.	$18,251.	$18,909.	$19,589.	$20,294.	$21,025.	$21,781.
S-6	$15,478.	$16,036.	$16,612.	$17,208.	$17,829.	$18,472.	$19,136.	$19,825.	$20,538.
S-5	$14,595.	$15,121.	$15,665.	$16,230.	$16,815.	$17,420.	$18,045.	$18,696.	$19,369.
S-4	$13,769.	$14,265.	$14,779.	$15,311.	$15,862.	$16,434.	$17,025.	$17,639.	$18,273.
S-3	$12,999.	$13,467.	$13,952.	$14,454.	$14,974.	$15,514.	$16,071.	$16,650.	$17,249.
S-2	$12,117.	$12,553.	$13,006.	$13,474.	$13,959.	$14,462.	$14,981.	$15,520.	$16,080.
S-1	$11,568.	$11,983.	$12,414.	$12,861.	$13,325.	$13,804.	$14,301.	$14,816.	$15,349.

	GRADE	MINIMUM	STEP 2	STEP 3	STEP 4	MAXIMUM
SCHEDULE B-2	P-4	$39,020.	$40,427.	$41,924.	$43,182.	
POLICE	P-3			$32,411.	$33,579.	$34,822.
7/1/90	P-2		$26,034.	$27,009.	$27,983.	$29,019.
	P-1			$26,034.	$27,009.	$27,983.
SCHEDULE B-3	F-4		$35,934.	$37,133.	$38,323.	$39,521.
FIRE	F-3				$33,499.	$34,546.
7/1/89	F-2		$28,898.	$29,862.	$30,819.	$31,782.
	F-1	$24,291.	$25,129.	$25,968.	$26,799.	$27,637.

	GRADE	MINIMUM	STEP 2	STEP 3	STEP 4	MAXIMUM
SCHEDULE B-4	FA-2	$29,459.	$30,488.	$31,677.	$32,868.	$34,071.
FIRE ALARM	FA-1	$25,547.	$26,398.	$27,412.	$28,425.	$29,459.
7/1/89						
SCHEDULE B-5	W-8	$11.60	$12.05	$12/48	$12.95	$13.45
PUBLIC WORKS	W-7	$11.24	$11.60	$12.05	$12.48	$12.95
7/1/89	W-6	$10.78	$11.24	$11.60	$12.05	$12.48
	W-5	$10.38	$10.78	$11.24	$11.60	$12.05
	W-4	$ 9.99	$10.38	$10.78	$11.24	$11.60
	W-3	$ 9.64	$ 9.99	$10.38	$10.78	$11.24
	W-2	$ 9.32	$ 9.64	$ 9.99	$10.38	$10.78
	W-1	$ 9.01	$ 9.32	$ 9.64	$ 9.99	$10.38

Fiscal Year 1992
SCHEDULE C
Rates for Part-time and Seasonal Positions
(rates are hourly unless specifically noted)
Effective July 1, 1991

TITLE	RATE
#Activity Instructor	
(rates are per session)	
Group A	$4.00
Group B	$5.00
Group C	$7.00
Group D	$8.00
Group E	$10.00
Group F	$12.00
Group G	$15.00
Group H	$18.00
Group I	$21.00
Group J	$25.00
Animal Inspector (PT) (per annum)	$3,161.97
Assistant, Council on Aging	$8.99
#Building Inspector Substitute (PT)	
(per diem)	$41.00
(per inspection)	$12.00
Canvasser (PT)	$5.51
Clerk, Council on Aging (PT)	$8.99
Code Enforcement Officer (PT)	$12.84
Committee Secretary, Board of Appeals (PT)	$11.00
Conservation Officer (PT)	$12.84
#Director of Civil Defense (per annum)	$3,000.00
Director of Veterans Services (PT)(per annum)	26,046.57
Finance Committee Executive Secretary (PT)	
(per annum)	$11,912.51
Junior Building Custodian (PT)	$8.25
Library Assistant 1 (PT)	$6.77
Library Assistant 2 (PT)	$7.64
Library Page	
First Year	$4.86
Second Year	$5.16
Minibus Coordinator (PT) (per annum)	$11,912.51
Parking Enforcement Attendent (PT)	$7.50
#Plumbing & Gas Inspector Substitute (PT)	
(per diem)	$41.00
(per inspection)	$12.00
Police Matron (PT)	$11.88
(or minimum)	$30.00
Program Coordinator (PT)	$11.58
Recording Secretary, Board of Selectmen	$11.16
Recreation Specialist 1	$5.50
Recreation Specialist 2	$6.25
Recreation Specialist 3	$6.75
Recreation Specialist 4	$7.50
Recreation Specialist 5	$9.26
Reference Librarian (PT)	$11.01
#Registrar of Voters (PT) (per annum)	$545.00
#Sanitarian Substitute (PT) (per diem)	$27.00
Sealer of Weights and Measures (PT) (per annum)	$7,287.53
Seasonal Packer/Driver (PT)	$7.88
Student Draftsman and Rodman (PT)	
(first year)	$8.37
(second year)	$8.74
(third year)	$9.05
(fourth year)	$9.40
(fifth year)	$9.72
Temporary Janitor (PT)	$5.25
Temporary Laborer	
(first year)	$5.57
(second year)	$5.97
(third year)	$6.37
(fourth year)	$6.77
(fifth year)	$7.25
Town Counsel (PT) (per annum)	$43,205.87
Traffic Supervisor	$11.88
#Wiring Inspector Substitute (PT)	
(per diem)	$41.00
(per inspection)	$12.00

Titles not included in general wage increases.

SCHEDULE B1
GENERAL SALARY SCHEDULE
Effective July 1, 1991

GRADE	MINIMUM	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	MAXIMUM
S-23	$52,694.	$54,592.	$56,556.	$58,592.	$60,702.	$62,887.	$65,151.	$67,495.	$69,925.
S-22	$49,454.	$51,236.	$53,079.	$54,990.	$56,970.	$59.021.	$61,145.	$63,347.	$65,627.
S-21	$46,440.	$48,113.	$49,846.	$51,639.	$53,499.	$55,425.	$57,419.	$59,487.	$61,629.
S-20	$43,429.	$44,991.	$46,611.	$48,290.	$50,028.	$51,830.	$53,695.	$55,628.	$57,631.
S-19	$40,587.	$42,048.	$43,562.	$45,129.	$46,753.	$48,437.	$50,181.	$51,988.	$53,860.
S-18	$36.598.	$37,916.	$39,279.	$40,695.	$42,159.	$43,678.	$45,248.	$46,877.	$48,567.
S-17	$34.182.	$35,414.	$36,689.	$38,010.	$39,378.	$40,795.	$42,264.	$43,785.	$45,361.
S-16	$31,934.	$33,082.	$34,273.	$35,508.	$36,786.	$38,111.	$39,482.	$40,905.	$42,376.
S-15	$29,574.	$30,639.	$31,743.	$32,884.	$34,067.	$35,295.	$36,564.	$37,881.	$39,245.
S-14	$27,380.	$28,365.	$29,386.	$30,444.	$31,539.	$32,675.	$33,852.	$35,071.	$36,333.
S-13	$25,350.	$26,262.	$27,207.	$28,185.	$29,201.	$30,253.	$31,341.	$32,470.	$33,640.
S-12	$23,483.	$24,330.	$25,205.	$26,112.	$27,052.	$28,027.	$29,035.	$30,079.	$31,163.
S-11	$21,729.	$22,510.	$23,321.	$24,161.	$25,030.	$25,931.	$26,863.	$27,831.	$28,833.
S-10	$20,656.	$21,397.	$22,169.	$22,968.	$23,794.	$24,651.	$25,538.	$26,457.	$27,408.
S-9	$19,167.	$19,859.	$20,573.	$21,314.	$22,080.	$22,875.	$23,700.	$24,551.	$25,436.
S-8	$17,681.	$18,316.	$18,978.	$19,660.	$20,368.	$21,100.	$21,859.	$22,647.	$23,462.
S-7	$16,414.	$17,006.	$17,617.	$18,251.	$18,909.	$19,589.	$20,294.	$21,025.	$21,781.
S-6	$15,478.	$16,036.	$16,612.	$17,208.	$17,829.	$18,472.	$19,136.	$19,825.	$20,538.
S-5	$14,595.	$15,121.	$15,665.	$16,230.	$16,815.	$17,420.	$18,045.	$18,696.	$19,369.
S-4	$13,769.	$14,265.	$14,779.	$15,311.	$15,862.	$16,434.	$17,025.	$17,639.	$18,273.
S-3	$12,999.	$13,467.	$13,952.	$14,454.	$14,974.	$15,514.	$16,071.	$16,650.	$17,249.
S-2	$12,117.	$12,553.	$13,006.	$13,474.	$13,959.	$14,462.	$14,981.	$15,520.	$16,080.
S-1	$11,568.	$11,983.	$12,414.	$12,861.	$13,325.	$13,804.	$14,301.	$14,816.	$15,349.

ARTICLE 27: AMENDMENTS TO CONSOLIDATED PERSONNEL BY-LAW

To see if the Town will vote to amend its Consolidated Personnel By-law (Article IX of the General By-laws of the Town of Needham) as follows:

1. By striking in Section Two (2) the words "and bargaining agreements";

2. By deleting Section Three (3) in its entirety ;

3. By striking in Section Four (4) the following definitions: Armed Forces, By-law, Consolidated Personnel By-law, Department, Full-time Employee, General Government Department, Holiday Pay, Military Forces, Normally Scheduled Work Hours, Part-time Employee, Permanent Employee, Personnel Board, Personnel By-law, Personnel Director, Recruitment, Regular Straight Time Pay, Seniority, Temporary Employee, and Vacation Year;

4. By striking in Section Four (4) under the definition of Continuous Employment the words "for whatever reason, during which time the employee is continuously on the payroll, except for authorized absence for military leave under orders, maternity leave, or authorized unpaid leave of absence" and inserting in place thereof the words "subject to adjustment due to unpaid leaves of absence, where appropriate";

5. By striking in Section Four (4) under the definition of Longevity the words "of time," and "as defined above";

6. By striking in Section Four (4) under the definition of Overtime the word "an" and inserting in place thereof the words "a non-exempt" before the word "employee's";

7. By striking the second sentence of the definition Reclassification in Section Four (4);

8. By inserting in Section Four (4) the following definitions:

Lateral Transfer - Transfer to a position of the same compensation grade as the original position before transfer.

Non-represented Employees - Those employees whose position titles are not included in a collective bargaining unit.

Part-time Employment - Appointment to a position in Town service for less than twenty (20) hours per week. Part-time employees are ineligible for paid leaves and benefits.

Represented Employees - Those employees whose position titles are included in a collective bargaining unit";

9. By striking Section Seven (7) in its entirety;

10. By inserting in subsection (a) of Section Nine (9) the word ", promotion," after the words "no employment in" and by inserting in subsection (b) of Section Nine (9) the word ", promote," after the words "To employ" and by inserting in subsection (c) of Section Nine (9) the word ", promotion," after the words "No employment in";

11. By striking in subsection (c) of Section Ten (10) the words "at the expense of the Town," and inserting after "conducted by a" the words "Town designated,";

12. By striking the word "Plan" in the title of Section Eleven (11);

13. By striking in subsection (c) of Section Eleven (11) the words "two (2)" and inserting in place thereof the words "five (5)";

14. By striking in subsection (e) of Section Eleven (11) the words "submitted by the requesting party no later than the first (1st) day of January immediately preceding the next Annual Town Meeting";

15. By inserting as a second paragraph under subsection (e) of Section Eleven (11) the following: "The Personnel Board may investigate any complaint relative to position classification that may be filed in writing with the Board by any Department Head, individual or group of individuals.";

16. By striking subsections (f) and (g) of Section Eleven (11) in their entirety;

17. By striking the word "Plan" in the title of Section Twelve (12);

18. By striking in subsection (b) of Section Twelve (12) the words "occupations and/or departmental assignments" and inserting in place thereof the words "bargaining unit or non-bargaining unit status";

19. By striking the first paragraph of subsection (c) of Section Twelve (12);

20. By striking in subsection (c) of Section Twelve (12) the word "January" and inserting in place thereof the word "March";

21. By striking in subsection (i) of subsection (d) of Section Twelve (12) the words "Payment of equivalent compensation on time bases for any unit other than a year may be made, subject to prior Personnel Board approval in each individual instance, provided such payment is based on the ratio that such other time unit bears to full time employment." and by inserting after the words "Compensation Plan Schedules are" the word "expressed";

22. By striking subsection (iii) of subsection (d) of Section Twelve (12) in its entirety;

23. By striking subsection (iv) of subsection (d) of Section Twelve (12) and inserting in place thereof the following: "Employees whose service is less than full-time shall be compensated based on the ratio that such employment bears to full-time employment.";

24. By striking in subsection (viii) of subsection (d) of Section Twelve (12) the words "paid compensation and";

25. By striking in subsection (g) of Section Twelve (12) the word "anniversary" and inserting in place thereof the word "step" and by striking the words "one step increase" and inserting in place thereof the words "increase of one or more steps";

26. By striking subsection (h) of Section Twelve (12) and inserting in place thereof the following:

> "Lateral Transfer - An employee who transfers to a position of equal grade shall enter the new position at the same step as his/her prior position, and shall retain the same step date for the purpose of future satisfactory performance step increases. Upon Department Head recommendations, the Personnel Board may approve an additional increase of one or more steps at the time of transfer if warranted by the employee's qualifications and performance. If one or more steps is granted by the Personnel Board, the date of the transfer shall become the employees's step date for the purposes of future satisfactory step increases.";

27. By inserting a new subsection (hii) of Section Twelve (12) as follors:

> "(hii) Position Reclassification and Upgrades
>
> (i) Reclassification - When any position is reclassified to a title of a higher grade within the classification plan, such reclassification shall be treated as a promotion. The effective date of the reclassification shall be the employee's step date for the purposes of future satisfactory step increases.
>
> When any position is reclassified to a title of a lower grade within the classification plan, the affected incumbents shall be granted a personal interim rate in accordance with subsection (i) below. Such incumbent shall not be entitled to any wage increases until his/her salary is at least equal to the maximum step in the appropriate title in the classification plan.
>
> For the purposes of this section, a reclassification shall be defined as a change made to a position title within the Classification Plan as a result of a change in duties required to be performed.
>
> (ii) Upgrades - When any title is upgraded within the Compensation Plan, the incumbents in that position title at the time of the upgrade shall be paid at the same step in the higher compensation grade as they were paid in the original grade. The employee's step date for the purposes of future satisfactory step increases shall not change.
>
> For the purposes of this section, an upgrade shall be defined as a change made in the compensation grade of a position within the classification plan where the position and duties remain the same but the compensation grade is increased.";

28. By inserting a new Section 15A as follows:

> "SECTION 15A - VACATION FOR NON-REPRESENTED EMPLOYEES
>
> (a) Scheduling - Every Appointing Authority or Department Head shall annually develop a vacation schedule for all employees in the Department who are or may become eligible to receive vacation leave. Vacation may be taken at any time, subject to the approval of the Appointing Authority or Department Head.
>
> (b) Eligibility - Full-time and permanent part-time employees who have successfully completed the six (6) months probationary period shall be eligible for vacation leave under the provisions of this section of the by-law. Upon written request, the Personnel Board may waive the six (6) month probationary period for the purposes of this section.
>
> (c) Use and Accumulation - Employees shall be allowed to carry accumulated vacation leave from one fiscal year to the next in the amount of two weeks. Employees may not carry more than two (2) weeks of accumulated leave time from one fiscal year to the next.
>
> (d) Employee Termination - When an employee leaves Town service for any reason, he or she will be paid an amount equal to the vacation allowance as credited but not yet taken prior to the termination.
>
> (e) Vacation Accrual
>
> (i) Employees will be credited with their earned vacation leave on the last day of each full calendar month of service. Employees who are on unpaid leave for five (5) or more days during a month shall not receive credit for that month for the purposes of vacation accrual.

Vacation leave will be available for use on the first day of the following month.

(ii) Vacation leave will be granted as follows:

Length Continuous Service	Monthly Accrual Rate 37.5/40 Hours	Annual Equivalent
Less than 5 Years:	6.25/6.66 Hours	10 Days
5 to 12 Years:	9.375/10 Hours	15 Days
12 to 22 Years:	12.5/13.33 Hours	20 Days
Over 22 Years:	15.63/16.66 Hours	25 Days

(iii) Transition Year Rate - Vacation leave accrual rates will be adjusted on the first day of the month in which an employee will be eligible for additional vacation leave.

(iv) Vacation leave allowance of 15 days shall be granted to full-time employees of the Library Department for service from appointment to 12 years.

(f) Other Uses of Vacation Leave - At the discretion of the Appointing Authority or Department Head, an employee, whose absence from work due to illness is in excess of the amount of time available in the employee's non-occupational sick leave bank, may be permitted to charge such absence to unused vacation leave allowance earned in the prior year.

(g) Vacation Leave Credit Allowance for New Employees - Upon receipt of written request from the Appointing Authority, the Personnel Board, at its discretion, may permit vacation eligibility credit, to be accrued in accordance with subsection (e)(ii) above, of up to 20 days to newly hired Department and Division Heads, based on length of service in previous employment.";

29. By striking subsection (h) of Section Sixteen (16);

30. By inserting in subsection (b) of Section 16 the sentence "Upon written request, the Personnel Board may waive the six (6) month probationary period for the purposes of this section." at the end of the first paragraph;

31. By inserting at the end of the second paragraph of Section Seventeen (17) the following: "Upon written request, the Personnel Board may waive the six (6) month probationary period for the purposes of this section.";

32. By striking in the third paragraph of Section Seventeen (17) the words "thirty (30) days" and inserting in place thereof the words "five (5) or more days" and by inserting the word "leave" after the words "longevity and" in the second sentence, and by striking the words "will not be" after the words "continued employment in Town service" and inserting in place thereof the words "may not be" and by striking the words "except as provided by Section 20 of the By-law" in the last sentence;

33. By inserting in Section Eighteen (18) the words "for represented employees, and two days' leave of absence from work for non-represented employees," after the words "One day's leave of absence from work" and by striking the words "requested in writing to" and inserting in place thereof the words "approved by" and by striking the words "at least forty-eight hours prior to the date selected";

34. By inserting in Section Nineteen (19) the words ", on behalf of the Commonwealth, city or town of the Commonwealth, or the federal government" after the words "under summons to appear as witnesses" and by inserting at the end of the second paragraph the following sentence: "Court leave will not be authorized when an employee is involved in personal litigation.";

35. By inserting a new subsection (e) of Section Twenty (20) as follows: "(e) Leaves of Absence for Military Duty shall not affect an employee's continuous service for the purposes of longevity. Military leaves of absence in excess of two weeks shall affect an employee's continuous service for the purposes of sick leave, vacation, and other benefit accrual.";

36. By striking Section Twenty-one (21) and inserting in place thereof a new section entitled "Maternity, Parental and Adoptive Leave" as follows:

"(a) Maternity Leave - Full-time and permanent part-time female employees who have successfully completed the six month probationary period shall be granted maternity leave without pay not to exceed eight weeks for the purpose of giving birth to a child, upon notification to the Appointing Authority or Department Head in writing at least two weeks in advance of the expected departure date and of notification of her intention to return to work. Such maternity leave shall affect the employee's length of continuous employment.

(b) Parental and Adoptive Leave - Upon written application to the Appointing Authority, full-time and permanent part-time non-represented employees who have successfully completed with six (6) month probationary period may be granted parental leave, and shall be granted adoptive leave for a period not to exceed eight weeks.

Such leave shall be without pay or benefits and shall affect the employee's length of continuous employment for the purposes of longevity and benefit accumulation. Such leave shall be limited to the need to care for, or to make arrangements for the care of the employee's minor dependent child (or children) under three years of age, whether or not the child (or children) is the natural or adopted child of the employee.

(c) Upon written request, the Personnel Board may waive the six (6) month probationary period for the purposes of this section. Upon the request of the Appointing Authority, the Personnel Board may approve an extension of the leaves."

37. By inserting a new Section Twenty-one A (21A) entitled "Family Leave" as follows:

"Family Leave - Upon written application to the Appointing Authority, full-time and permanent part-time non-represented employees who have successfully completed the six (6) month probationary period may be granted family leave not to exceed eight (8) weeks per fiscal year for the purpose of caring for a family member during a serious illness. Such leave shall be without pay or benefits and shall affect the employee's length of continuous service for the purpose of longevity and benefit accumulation.

For the purposes of this section, serious illness shall be defined as a disabling physical or mental illness, injury, impairment or condition that involves inpatient care in the hospital or outpatient care requiring continuing treatment

or supervision by a health care provider. Family member shall be defined as mother, father, spouse, child, brother or sister."

38. By inserting in Section Twenty-two (22) the word "spouse, " after the words "immediate family to include";

39. By striking in subsection (c) of Section Twenty-three (23) the words "an employee" after "except that" and inserting in place thereof the words "represented employees," and inserting after the words "or child of the employee" the words "and non-represented employees shall be allowed up to ten (10) days for that purpose.";

40. By striking Section Twenty-four (24) in its entirety;

41. By authorizing the Town Clerk to renumber all sections as required;

or take any other action relative thereto.

MOVED: That the Town amend its Consolidated Personnel By-Law (Article IX of the General By-Laws of the Town of Needham) as follows:

1. By striking in Section Two (2) the words "and bargaining agreements";

2. By deleting Section Three (3) in its entirety ;

3. By striking in Section Four (4) the following definitions: Armed Forces, By-law, Consolidated Personnel By-law, Department, Full-time Employee, General Government Department, Holiday Pay, Military Forces, Normally Scheduled Work Hours, Part-time Employee, Permanent Employee, Personnel Board, Personnel By-law, Personnel Director, Recruitment, Regular Straight Time Pay, Seniority, Temporary Employee, and Vacation Year;

4. By striking in Section Four (4) under the definition of Continuous Employment the words "for whatever reason, during which time the employee is continuously on the payroll, except for authorized absence for military leave under orders, maternity leave, or authorized unpaid leave of absence" and inserting in place thereof the words "subject to adjustment due to unpaid leaves of absence, where appropriate";

5. By striking in Section Four (4) under the definition of Longevity the words "of time," and "as defined above";

6. By striking in Section Four (4) under the definition of Overtime the word "an" and inserting in place thereof the words "a non-exempt" before the word "employee's";

7. By striking the second sentence of the definition Reclassification in Section Four (4);

8. By inserting in Section Four (4) the following definitions:

Lateral Transfer - Transfer to a position of the same compensation grade as the original position before transfer.

Non-represented Employees - Those employees whose position titles are not included in a collective bargaining unit.

Part-time Employment - Appointment to a position in Town service for less than twenty (20) hours per week. Part-time employees are ineligible for paid leaves and benefits.

Represented Employees - Those employees whose position titles are included in a collective bargaining unit";

9. By striking Section Seven (7) in its entirety;

10. By inserting in subsection (a) of Section Nine (9) the word ", promotion," after the words "no employment in" and by inserting in subsection (b) of Section Nine (9) the word ", promote," after the words "To employ" and by inserting in subsection (c) of Section Nine (9) the word ", promotion," after the words "No employment in";

11. By striking in subsection (c) of Section Ten (10) the words "at the expense of the Town," and inserting after "conducted by a" the words "Town designated,";

12. By striking the word "Plan" in the title of Section Eleven (11);

13. By striking in subsection (c) of Section Eleven (11) the words "two (2)" and inserting in place thereof the words "five (5)";

14. By striking in subsection (e) of Section Eleven (11) the words "submitted by the requesting party no later than the first (1st) day of January immediately preceding the next Annual Town Meeting";

15. By inserting as a second paragraph under subsection (e) of Section Eleven (11) the following: "The Personnel Board may investigate any complaint relative to position classification that may be filed in writing with the Board by any Department Head, individual or group of individuals.";

16. By striking subsections (f) and (g) of Section Eleven (11) in their entirety;

17. By striking the word "Plan" in the title of Section Twelve (12);

18. By striking in subsection (b) of Section Twelve (12) the words "occupations and/or departmental assignments" and inserting in place thereof the words "bargaining unit or non-bargaining unit status";

19. By striking the first paragraph of subsection (c) of Section Twelve (12);

20. By striking in subsection (c) of Section Twelve (12) the word "January" and inserting in place thereof the word "March";

21. By striking in subsection (i) of subsection (d) of Section Twelve (12) the words "Payment of equivalent compensation on time bases for any unit other than a year may be made, subject to prior Personnel Board approval in each individual instance, provided such payment is based on the ratio that such other time unit bears to full time employment." and by inserting after the words "Compensation Plan Schedules are" the word "expressed";

22. By striking subsection (iii) of subsection (d) of Section Twelve (12) in its entirety;

23. By striking subsection (iv) of subsection (d) of Section Twelve (12) and inserting in place thereof the following: "Employees whose service is less than full-time shall be compensated based on the ratio that such employment bears to full-time employment.";

24. By striking in subsection (viii) of subsection (d) of Section Twelve (12) the words "paid compensation and";

25. By striking in subsection (g) of Section Twelve (12) the word "anniversary" and inserting in place thereof the word "step" and by striking the words "one step increase" and inserting in place thereof the words "increase of one or more steps";

26. By striking subsection (h) of Section Twelve (12) and inserting in place thereof the following:

"Lateral Transfer - An employee who transfers to a position of equal grade shall enter the new position at the same step as his/her prior position, and shall retain the same step date for the purpose of future satisfactoryrc performance step increases. Upon Department Head recommendations, the Personnel Board may approve an additional increase of one or more steps at the time of transfer if warranted by the employee's qualifications and performance. If one or more steps is granted by the Personnel Board, the date of the transfer shall become the employees's step date for the purposes of future satisfactory step increases.";

27. By inserting a new subsection (hii) of Section Twelve (12) as follors:

"(hii) Position Reclassification and Upgrades

(i) Reclassification - When any position is reclassified to a title of a higher grade within the classification plan, such reclassification shall be treated as a promotion. The effective date of the reclassification shall be the employee's step date for the purposes of future satisfactory step increases.

When any position is reclassified to a title of a lower grade within the classification plan, the affected incumbents shall be granted a personal interim rate in accordance with subsection (i) below. Such incumbent shall not be entitled to any wage increases until his/her salary is at least equal to the maximum step in the appropriate title in the classification plan.

For the purposes of this section, a reclassification shall be defined as a change made to a position title within the Classification Plan as a result of a change in duties required to be performed.

(ii) Upgrades - When any title is upgraded within the Compensation Plan, the incumbents in that position title at the time of the upgrade shall be paid at the same step in the higher compensation grade as they were paid in the original grade. The employee's step date for the purposes of future satisfactory step increases shall not change.

For the purposes of this section, an upgrade shall be defined as a change made in the compensation grade of a position within the classification plan where the position and duties remain the same but the compensation grade is increased.";

28. By inserting a new Section 15A as follows:

"SECTION 15A - VACATION FOR NON-REPRESENTED EMPLOYEES

(a) Scheduling - Every Appointing Authority or Department Head shall annually develop a vacation schedule for all employees in the Department who are or may become eligible to receive vacation leave. Vacation may be taken at any time, subject to the approval of the Aopointing Authority or Department Head.

(b) Eligibility - Full-time and permanent part-time employees who have successfully completed the six (6) months probationary period shall be eligible for vacation leave under the provisions of this section of the by-law. Upon written request, the Personnel Board may waive the six (6) month probationary period for the purposes of this section.

(c) Use and Accumulation - Employees shall be allowed to carry accumulated vacation leave from one fiscal year to the next in the amount of two weeks. Employees may not carry more than two (2) weeks of accumulated leave time from one fiscal year to the next.

(d) Employee Termination - When an employee leaves Town service for any reason, he or she will be paid an amount equal to the vacation allowance as credited but not yet taken prior to the termination.

(e) Vacation Accrual

(i) Employees will be credited with their earned vacation leave on the last day of each full calendar month of service. Employees who are on unpaid leave for five (5) or more days during a month shall not receive credit for that month for the purposes of vacation accrual. Vacation leave will be available for use on the first day of the following month.

(ii) Vacation leave will be granted as follows:

Length Continuous Service	Monthly Accrual Rate 37.5/40 Hours	Annual Equivalent
Less than 5 Years:	6.25/6.66 Hours	10 Days
5 to 12 Years:	9.375/10 Hours	15 Days
12 to 22 Years:	12.5/13.33 Hours	20 Days
Over 22 Years:	15.63/16.66 Hours	25 Days

(iii) Transition Year Rate - Vacation leave accrual rates will be adjusted on the first day of the month in which an employee will be eligible for additional vacation leave.

(iv) Vacation leave allowance of 15 days shall be granted to full-time employees of the Library Department for service from appointment to 12 years.

(f) Other Uses of Vacation Leave - At the discretion of the Appointing Authority or Department Head, an employee, whose absence from work due to illness is in excess of the amount of time available in the employee's non-occupational sick leave bank, may be permitted to charge such absence to unused vacation leave allowance earned in the prior year.

(g) Vacation Leave Credit Allowance for New Employees - Upon receipt of written request from the Appointing Authority, the Personnel Board, at its discretion, may permit vacation eligibility credit, to be accrued in accordance with subsection (e)(ii) above, of up to 20 days to newly hired Department and Division Heads, based on length of service in previous employment.";

29. By striking subsection (h) of Section Sixteen (16);

30. By inserting in subsection (b) of Section 16 the sentence "Upon written request, the Personnel Board may waive the six (6) month probationary period for the purposes of this section." at the end of the first paragraph;

31. By inserting at the end of the second paragraph of Section Seventeen (17) the following: "Upon written request, the Personnel Board may

waive the six (6) month probationary period for the purposes of this section.";

32. By striking in the third paragraph of Section Seventeen (17) the words "thirty (30) days" and inserting in place thereof the words "five (5) or more days" and by inserting the word "leave" after the words "longevity and" in the second sentence, and by striking the words "will not be" after the words "continued employment in Town service" and inserting in place thereof the words "may not be" and by striking the words "except as provided by Section 20 of the By-law" in the last sentence;

33. By inserting in Section Eighteen (18) the words "for represented employees, and two days' leave of absence from work for non-represented employees," after the words "One day's leave of absence from work" and by striking the words "requested in writing to" and inserting in place thereof the words "approved by" and by striking the words "at least forty-eight hours prior to the date selected";

34. By inserting in Section Nineteen (19) the words ", on behalf of the Commonwealth, city or town of the Commonwealth, or the federal government" after the words "under summons to appear as witnesses" and by inserting at the end of the second paragraph the following sentence: "Court leave will not be authorized when an employee is involved in personal litigation.";

35. By inserting a new subsection (e) of Section Twenty (20) as follows: "(e) Leaves of Absence for Military Duty shall not affect an employee's continuous service for the purposes of longevity. Military leaves of absence in excess of two weeks shall affect an employee's continuous service for the purposes of sick leave, vacation, and other benefit accrual.";

36. By striking Section Twenty-one (21) and inserting in place thereof a new section entitled "Maternity, Parental and Adoptive Leave" as follows:

> "(a) Maternity Leave - Full-time and permanent part-time female employees who have successfully completed the six month probationary period shall be granted maternity leave without pay not to exceed eight weeks for the purpose of giving birth to a child, upon notification to the Appointing Authority or Department Head in writing at least two weeks in advance of the expected departure date and of notification of her intention to return to work. Such maternity leave shall affect the employee's length of continuous employment.
>
> (b) Parental and Adoptive Leave - Upon written application to the Appointing Authority, full-time and permanent part-time non-represented employees who have successfully completed with six (6) month probationary period may be granted parental leave, and shall be granted adoptive leave for a period not to exceed eight weeks.
>
> Such leave shall be without pay or benefits and shall affect the employee's length of continuous employment for the purposes of longevity and benefit accumulation. Such leave shall be limited to the need to care for, or to make arrangements for the care of the employee's minor dependent child (or children) under three years of age, whether or not the child (or children) is the natural or adopted child of the employee.
>
> (c) Upon written request, the Personnel Board may waive the six (6) month probationary period for the purposes of this section. Upon the request of the Appointing Authority, the Personnel Board may approve an extension of the leaves."

37. By inserting a new Section Twenty-one A (21A) entitled "Family Leave" as follows:

> "Family Leave - Upon written application to the Appointing Authority, full-time and permanent part-time non-represented employees who have successfully completed the six (6) month probationary period may be granted family leave not to exceed eight (8) weeks per fiscal year for the purpose of caring for a family member during a serious illness. Such leave shall be without pay or benefits and shall affect the employee's length of continuous service for the purpose of longevity and benefit accumulation.
>
> For the purposes of this section, serious illness shall be defined as a disabling physical or mental illness, injury, impairment or condition that involves inpatient care in the hospital or outpatient care requiring continuing treatment or supervision by a health care provider. Family member shall be defined as mother, father, spouse, child, brother or sister."

38. By inserting in Section Twenty-two (22) the word "spouse, " after the words "immediate family to include";

39. By striking in subsection (c) of Section Twenty-three (23) the words "an employee" after "except that" and inserting in place thereof the words "represented employees," and inserting after the words "or child of the employee" the words "and non-represented employees shall be allowed up to ten (10) days for that purpose.";

40. By striking Section Twenty-four (24) in its entirety;

41. By authorizing the Town Clerk to renumber all sections as required.

A motion to amend was offered by Mr. Charles W. Wyckoff as follows:

a. By inserting in Article 27 (#1) the words "and in the last line 'or bargaining agreements'" after the words "and bargaining agreements".

b. By striking in Article 27 (#28) [Section 15A (c)] the words "two weeks" and inserting in place thereof the words "ten days" in both instances mentioned in the section.

Mr. Gary Uhl, Chairman, addressed this proposal on behalf of the Personnel Board. He explained that the amendments to the Consolidated Personnel By-Law streamline the By-Law, assist the Town in better managing its personnel functions, and offer no-cost benefits to its non-represented town employees in the area of vacation accrual and family leave.

A motion to amend was offered by Mrs. Mary Ellen Hale under Section 37, Family Leave, in the second paragraph to strike the word "or" between "brother or sister" and add "or significant other.".

A third motion to amend was offered by Mr. Gary Uhl under Section 36 (b), in the first paragraph to add a coma after the words "adoptive leave".

A fourth motion to amend was offered by Mr. Lee B. Manning under Section 36(b) in the first paragraph to change the word "may"in the phrase "may be granted parental leave" to "shall" be granted parental leave, and to change the word "and" in the phrase "and shall be granted adoptive leave" to "or" shall be granted adopted leave.

Unanimous consent was given to allow Mrs. Kate Fitzpatrick, Personnel Director and non-resident, to address Town Meeting. Mrs. Fitzpatrick explained that adoption leave is mandatory under state statute while parental leave is permissible.

A motion to move the previous question was offered by Mr. Frederick Waldman. The motion was presented and carried by voice vote.

Mr. Manning's motion to amend was presented, but it failed to pass by voice vote.

Mr. Uhl's motion to amend was presented and carried by voice vote.

Mrs. Hale's motion to amend was presented, but it failed to pass by voice vote.

Mr. Wyckoff's motion to amend was presented and carried unanimously by voice vote.

ACTION: The main motion, as amended, was presented and carried unanimously by voice vote.

VOTED: That the Town amend its Consolidated Personnel By-Law (Article IX of the General By-Laws of the Town of Needham) as follows:

1. By striking in Section Two (2) the words "and bargaining agreements" and in the last line "or bargaining agreements";

2. By deleting Section Three (3) in its entirety ;

3. By striking in Section Four (4) the following definitions: Armed Forces, By-law, Consolidated Personnel By-law, Department, Full-time Employee, General Government Department, Holiday Pay, Military Forces, Normally Scheduled Work Hours, Part-time Employee, Permanent Employee, Personnel Board, Personnel By-law, Personnel Director, Recruitment, Regular Straight Time Pay, Seniority, Temporary Employee, and Vacation Year;

4. By striking in Section Four (4) under the definition of Continuous Employment the words "for whatever reason, during which time the employee is continuously on the payroll, except for authorized absence for military leave under orders, maternity leave, or authorized unpaid leave of absence" and inserting in place thereof the words "subject to adjustment due to unpaid leaves of absence, where appropriate";

5. By striking in Section Four (4) under the definition of Longevity the words "of time," and "as defined above";

6. By striking in Section Four (4) under the definition of Overtime the word "an" and inserting in place thereof the words "a non-exempt" before the word "employee's";

7. By striking the second sentence of the definition Reclassification in Section Four (4);

8. By inserting in Section Four (4) the following definitions:

Lateral Transfer - Transfer to a position of the same compensation grade as the original position before transfer.

Non-represented Employees - Those employees whose position titles are not included in a collective bargaining unit.

Part-time Employment - Appointment to a position in Town service for less than twenty (20) hours per week. Part-time employees are ineligible for paid leaves and benefits.

Represented Employees - Those employees whose position titles are included in a collective bargaining unit";

9. By striking Section Seven (7) in its entirety;

10. By inserting in subsection (a) of Section Nine (9) the word ", promotion," after the words "no employment in" and by inserting in subsection (b) of Section Nine (9) the word ", promote," after the words "To employ" and by inserting in subsection (c) of Section Nine (9) the word ", promotion," after the words "No employment in";

11. By striking in subsection (c) of Section Ten (10) the words "at the expense of the Town," and inserting after "conducted by a" the words "Town designated,";

12. By striking the word "Plan" in the title of Section Eleven (11);

13. By striking in subsection (c) of Section Eleven (11) the words "two (2)" and inserting in place thereof the words "five (5)";

14. By striking in subsection (e) of Section Eleven (11) the words "submitted by the requesting party no later than the first (1st) day of January immediately preceding the next Annual Town Meeting";

15. By inserting as a second paragraph under subsection (e) of Section Eleven (11) the following: "The Personnel Board may investigate any complaint relative to position classification that may be filed in writing with the Board by any Department Head, individual or group of individuals.";

16. By striking subsections (f) and (g) of Section Eleven (11) in their entirety;

17. By striking the word "Plan" in the title of Section Twelve (12);

18. By striking in subsection (b) of Section Twelve (12) the words "occupations and/or departmental assignments" and inserting in place thereof the words "bargaining unit or non-bargaining unit status";

19. By striking the first paragraph of subsection (c) of Section Twelve (12);

20. By striking in subsection (c) of Section Twelve (12) the word "January" and inserting in place thereof the word "March";

21. By striking in subsection (i) of subsection (d) of Section Twelve (12) the words "Payment of equivalent compensation on time bases for any unit other than a year may be made, subject to prior Personnel Board approval in each individual instance, provided such payment is based on the ratio that such other time unit bears to full time employment." and by inserting after the words "Compensation Plan Schedules are" the word "expressed";

22. By striking subsection (iii) of subsection (d) of Section Twelve (12) in its entirety;

23. By striking subsection (iv) of subsection (d) of Section Twelve (12) and inserting in place thereof the following: "Employees whose service is less than full-time shall be compensated based on the ratio that such employment bears to full-time employment.";

24. By striking in subsection (viii) of Section Twelve (12) the words "paid compensation and";

25. By striking in subsection (g) of Section Twelve (12) the word "anniversary" and inserting in place thereof the word "step" and by

striking the words "one step increase" and inserting in place thereof the words "increase of one or more steps";

26. By striking subsection (h) of Section Twelve (12) and inserting in place thereof the following:

Lateral Transfer - An employee who transfer to a position of equal grade shall enter the new position at the same step as his/her prior position, and shall retain the same step date for the purpose of future satisfactory performance increases. Upon Department Head recommendations, the Personnel Board may approve an additional increase of one or more steps at the time of transfer if warranted by the employee's qualifications and performance. If one or more steps is granted by the Personnel Board, the date of the transfer shall become the employees's step date for the purposes of future satisfactory step increases.";

27. By inserting a new subsection (hii) of Section Twelve (12) as follors:

"(hii) Position Reclassification and Upgrades

(i) Reclassification - When any position is reclassified to a title of a higher grade within the classification plan, such reclassification shall be treated as a promotion. The effective date of the reclassification shall be the employee's step date for the purposes of future satisfactory step increases.

When any position is reclassified to a title of a lower grade within the classification plan, the affected incumbents shall be granted a personal interim rate in accordance with subsection (i) below. Such incumbent shall not be entitled to any wage increases until his/her salary is at least equal to the maximum step in the appropriate title in the classification plan.

For the purposes of this section, a reclassification shall be defined as a change made to a position title within the Classification Plan as a result of a change in duties required to be performed.

(ii) Upgrades - When any title is upgraded within the Compensation Plan, the incumbents in that position title at the time of the upgrade shall be paid at the same step in the higher compensation grade as they were paid in the original grade. The employee's step date for the purposes of future satisfactory step increases shall not change.

For the purposes of this section, an upgrade shall be defined as a change made in the compensation grade of a position within the classification plan where the position and duties remain the same but the compensation grade is increased.";

28. By inserting a new Section 15A as follows:

"SECTION 15 - VACATION FOR NON-REPRESENTED EMPLOYEES

(a) Scheduling - Every Appointing Authority or Department Head shall annually develop a vacation schedule for all employees in the Department who are or may become eligible to receive vacation leave. Vacation may be taken at any time, subject to the approval of the Appointing Authority or Department Head.

(b) Eligibility - Full-time and permanent part-time employees who have successfully completed the six (6) month probationary period shall be eligible for vacation leave under the provisions of this section of the by-law. Upon written request, the Personnel Board may waive the six (6) month probationary period for the purposes of this section.

(c) Use and Accumulation - Employees shall be allowed to carry accumulated vacation leave from one fiscal year to the next in the amount of ten days. Employees may not carry more than ten (10) days of accumulated leave time from one fiscal year to the next.

(d) Employee Termination - When an employee leaves Town service for any reason, he or she will be paid an amount equal to the vacation allowance as credited but not yet taken prior to the termination.

(e) Vacation Accrual

(i) Employees will be credited with their earned vacation leave on the last day of each full calendar month of service. Employees who are on unpaid leave for five (5) or more days during a month shall not receive credit for that month for the purposes of vacation accrual. Vacation leave will be available for use on the first day of the following month.

(ii) Vacation leave will be granted as follows:

Length Continuous Service	Monthly Accrual Rate 37.5/40 Hours	Annual Equivalent
Less than 5 Years:	6.25/6.66 Hours	10 Days
5 to 12 Years:	9.375/10 Hours	15 Days
12 to 22 Years:	2.5/13.33 Hours	20 Days
Over 22 Years:	15.63/16.66 Hours	25 Days

(iii) Transition Year Rate - Vacation leave accrual rates will be adjusted on the first day of the month in which an employee will be eligible for additional vacation leave.

(iv) Vacation leave allowance of 15 days shall be granted to full-time employees of the Library Department for service from appointment to 12 years.

(f) Other Uses of Vacation Leave - At the discretion of the Appointing Authority or Department Head, an employee, whose absence from work due to illness is in excess of the amount of time available in the employee's non-occupational sick leave bank, may be permitted to charge such absence to unused vacation leave allowance earned in the prior year.

(g) Vacation Leave Credit Allowance for New Employees - Upon receipt of written request from the Appointing Authority, the Personnel Board, at its discretion, may permit vacation eligibility credit, to be accrued in accordance with subsection (e)(ii) above, of up to 20 days to newly hired Department and Division Heads, based on length of service in previous employment.";

29. By striking subsection (h) of Section Sixteen (16);

30. By inserting in subsection (b) of Section 16 the sentence "Upon written request, the Personnel Board may waive the six (6) month probationary period for the purposes of this section." at the end of the first paragraph;

31. By inserting at the end of the second paragraph of Section Seventeen (17) the following: "Upon written request, the Personnel Board may waive the six (6) month probationary period for the purposes of this section.";

32. By striking in the third paragraph of Section Seventeen (17) the words "thirty (30) days" and inserting in place thereof the words "five (5) or more days" and by inserting the word "leave" after the words "longevity and" in the second sentence, and by striking the words "will not be" after the words "continued employment in Town service" and inserting in place thereof the words "may not be" and by striking the words "except as provided by Section 20 of the By-law" in the last sentence;

33. By inserting in Section Eighteen (18) the words "for represented employees, and two days' leave of absence from work for non-represented employees," after the words "One day's leave of absence from work" and by striking the words "requested in writing to" and inserting in place thereof the words "approved by" and by striking the words "at least forty-eight hours prior to the date selected";

34. By inserting in Section Nineteen (19) the words ", on behalf of the Commonwealth, city or town of the Commonwealth, or the federal government" after the words "under summons to appear as witnesses" and by inserting at the end of the second paragraph the following sentence: "Court leave will not be authorized when an employee is involved in personal litigation.";

35. By inserting a new subsection (e) of Section Twenty (20) as follows: "(e) Leaves of Absence for Military Duty shall not affect an employee's continuous service for the purposes of longevity. Military leaves of absence in excess of two weeks shall affect an employee's continuous service for the purposes of sick leave, vacation, and other benefit accrual.";

36. By striking Section Twenty-one (21) and inserting in place thereof a new section entitled "Maternity, Parental and Adoptive Leave" as follows:

> "(a) Maternity Leave - Full-time and permanent part-time female employees who have successfully completed the six month probationary period shall be granted maternity leave without pay not to exceed eight weeks for the purpose of giving birth to a child, upon notification to the Appointing Authority or Department Head in writing at least two weeks in advance of the expected departure date and of notification of her intention to return to work. Such maternity leave shall affect the employee's length of continuous employment.
>
> (b) Parental and Adoptive Leave - Upon written application to the Appointing Authority, full-time and permanent part-time non-represented employees who have successfully completed with six (6) month probationary period may be granted parental leave, and shall be granted adoptive leave, for a period not to exceed eight weeks.
>
> Such leave shall be without pay or benefits and shall affect the employee's length of continuous employment for the purposes of longevity and benefit accumulation. Such leave shall be limited to the need to care for, or to make arrangements for the care of the employee's minor dependent child (or children) under three years of age, whether or not the child (or children) is the natural or adopted child of the employee.
>
> (c) Upon written request, the Personnel Board may waive the six (6) month probationary period for the purposes of this section. Upon the request of the Appointing Authority, the Personnel Board may approve an extension of the leaves."

37. By inserting a new Section Twenty-one A (21A) entitled "Family Leave" as follows:

> "Family Leave - Upon written application to the Appointing Authority, full-time and permanent part-time non-represented employees who have successfully completed the six (6) month probationary period may be granted family leave not to exceed eight (8) weeks per fiscal year for the purpose of caring for a family member during a serious illness. Such leave shall be without pay or benefits and shall affect the employee's length of continuous service for the purpose of longevity and benefit accumulation.
>
> For the purposes of this section, serious illness shall be defined as a disabling physical or mental illness, injury, impairment or condition that involves inpatient care in the hospital or outpatient care requiring continuing treatment or supervision by a health care provider. Family member shall be defined as mother, father, spouse, child, brother or sister."

38. By inserting in Section Twenty-two (22) the word "spouse, " after the words "immediate family to include";

39. By striking in subsection (c) of Section Twenty-three (23) the words "an employee" after "except that" and inserting in place thereof the words "represented employees," and inserting after the words "or child of the employee" the words "and non-represented employees shall be allowed up to ten (10) days for that purpose.";

40. By striking Section Twenty-four (24) in its entirety;

41. By authorizing the Town Clerk to renumber all sections as required.

ARTICLE 28: ACCEPT CHAPTER 254 of the acts of 1990 (RETIREMENT BENEFITS FOR EMPLOYEES OVER THE AGE OF 70)

To see if the Town will vote to accept the provisions of Chapter 254 of the Acts and Resolves of 1990; or take any other action relative thereto.

MOVED: That the Town vote to accept the provisions of Chapter 254 of the Acts and Resolves of 1990.

Mrs. Evelyn M. Poness, Treasurer/Tax Collector and Chairman of the Contributory Retirement Board, presented the proposal.

ACTION: The main motion was presented and carried unanimously by voice vote.

ARTICLE 29: OPERATING BUDGET

To see what sums of money the Town will vote to raise and appropriate for the necessary Town charges and expenses.

MOVED: That the Town raise and appropriate for the necessary charges and expenses as follows:

A motion was offered by Mr. Paul Theodore Owens to postpone Article 29 to a time certain specifically on Monday, May 13, 1991 after the dissolution of the Special Town Meeting called for that

evening and Article 23. The motion was presented and carried by voice vote.

ARTICLE 30: ACCEPT MGL CHAPTER 40, SECTION 39K (ENTERPRISE FUND - WATER)

To see if the Town will vote to accept the provisions of Chapter 40, Section 39K of the Massachusetts General Laws with respect to the establishment of a Water Division Enterprise Fund effective Fiscal Year 1993; or take any other action relative thereto.

Summary:

Acceptance of Section 39K of Chapter 40 of the General Laws permits the Town to establish a separate account classified as the "Water Division Enterprise Fund" for the operation of the Water Division. The account is to be maintained by the Treasurer and all receipts, revenues and funds derived from all activities of the Water Division shall be deposited in a separate account. The Treasurer may invest the funds as authorized by Sections Fifty-five and Fifty-five A of Chapter forty-four and all interest shall become part of the separate account. The books and records of the separate account shall be maintained in accordance with Section thirty-eight of Chapter 40.

The Director of Public Works, who is responsible for the operation of the Water Division, shall submit an estimate of income for the ensuing fiscal year and a proposed line item budget to the Selectmen not later than one hundred and twenty days prior to the beginning of each fiscal year. The Selectmen shall submit their recommendation to the town meeting which shall act on the budget in the same manner as all other budgets.

If the estimated income of the Water Division is less than the appropriation for the total expenses of the Water Division, the difference shall be added to the tax levy and raised by taxation. If the estimated income is more than the total appropriation, the excess shall be appropriated to a separate reserve fund and used for capital expenditures of the Water Division, subject to appropriation, or to reduce user charges if authorized by the Director of Public Works. Any loss during a fiscal year shall be included in the succeeding fiscal year's budget. Any surplus during a fiscal year shall be kept in a separate reserve fund and used for purposes of the Water Division.

MOVED: That the Town vote to accept the provisions of M.G.L. Chapter 40, Section 39K (Chapter 177, Section 129 of the Acts of 1990) to establish a Water Division Enterprise Fund to be effective Fiscal Year 1993.

A motion was offered by Mr. Paul Theodore Owens to discuss Articles 30, 31, 32, and 33 together and to vote on them separately. Mr. Owens' motion was presented and voted unanimously by voice vote.

A motion was offered by Mr. Paul Theodore Owens to refer Article 30 back to the Finance Committee for further study and to report back to the next Annual Town Meeting.

Mr. Frank E. Reardon, member, addressed these articles on behalf of the Finance Committee. He explained that the Finance Committee recommends further study on establishing Enterprise Funds. Also, he noted that it is difficult to get the excess money from these funds back into the General Fund. The Finance Committee would like to meet with the various boards to see if this is possible.

Mr. Owens' motion to refer Article 30 to the Finance Committee was presented and carried unanimously by voice vote.

ARTICLE 31: ACCEPT MGL CHAPTER 40, SECTION 39K (ENTERPRISE FUND - SEWER)

To see if the Town will vote to accept the provisions of Chapter 40, Section 39K of the Massachusetts General Laws with respect to the establishment of a Sewer Enterprise Fund effective Fiscal Year 1993; or take any other action relative thereto.

Summary:

Acceptance of Section 39K of Chapter 40 of the General Laws permits the Town to establish a separate account classified as the "Sewer Enterprise Fund" for the operation of the Town sewers. The account is to be maintained by the Treasurer and all receipts, revenues and funds derived from the Town sewers shall be deposited in a separate account. The Treasurer may invest the funds as authorized by Sections Fifty-five and Fifty- five A of Chapter Forty-four and all interest shall become part of the separate account. The books and records of the separate account shall be maintained in accordance with Section Thirty-eight of Chapter 40.

The Director of Public Works, who is responsible for the operation of the Town sewers, shall submit an estimate of income for the ensuing fiscal year and a proposed line item budget to the Selectmen not later than one hundred and twenty days prior to the beginning of each fiscal year. The Selectmen shall submit their recommendation to the town meeting which shall act on the budget in the same manner as all other budgets.

If the estimated income of the Town sewers is less than the appropriation for the total expenses of the Town sewers, the difference shall be added to the tax levy and raised by taxation. If the estimated income is more than the total appropriation, the excess shall be appropriated to a separate reserve fund and used for capital expenditures of the Town sewers, subject to appropriation, or to reduce user charges if authorized by the Director of Public Works. Any loss during a fiscal year shall be included in the succeeding fiscal year's budget. Any surplus during a fiscal year shall be kept in a separate reserve fund and used for purposes of the Town sewers.

MOVED: That the Town vote to accept the provisions of M.G.L. Chapter 40, Section 39K (Chapter 177, Section 129 of the Acts of 1990) to establish a Sewer Enterprise Fund to be effective Fiscal Year 1993.

A motion was offered by Mr. Paul Theodore Owens to refer Article 31 back to the Finance Committee for further study and to report back to the next Annual Town Meeting.

Mr. Owens' motion to refer Article 31 to the Finance Committee was presented and carried unanimously by voice vote.

ARTICLE 32: ACCEPT MGL CHAPTER 40, SECTION 39K (ENTERPRISE FUND - LANDFILL)

To see if the Town will vote to accept the provisions of Chapter 40, Section 39K of the Massachusetts General Laws with respect to the establishment of a Solid Waste Facility Enterprise Fund effective Fiscal Year 1993; or take any other action relative thereto.

Summary:

Acceptance of Section 39K of Chapter 40 of the General Laws permits the Town to establish a separate account classified as the "Solid Waste Facility Enterprise Fund" for the operation of the Solid Waste Facility. The account is to be maintained by the Treasurer and all receipts, revenues and funds derived from all activities of the Solid Waste Facility shall be deposited in a separate account. The Treasurer may

invest the funds as authorized by Sections Fifty-five and Fifty-five A of Chapter Forty-four and all interest shall become part of the separate account. The books and records of the separate account shall be maintained in accordance with Section Thirty-eight of Chapter 40.

The Director of Public Works, who is responsible for the operation of the Solid Waste Facility, shall submit an estimate of income for the ensuing fiscal year and a proposed line item budget to the Selectmen not later than one hundred and twenty days prior to the beginning of each fiscal year. The Selectmen shall submit their recommendation to the town meeting which shall act on the budget in the same manner as all other budgets.

If the estimated income of the Solid Waste Facility is less than the appropriation for the total expenses of the Solid Waste Facility, the difference shall be added to the tax levy and raised by taxation. If the estimated income is more than the total appropriation, the excess shall be appropriated to a separate reserve fund and used for capital expenditures of the Solid Waste Facility, subject to appropriation, or to reduce user charges if authorized by the Director of Public Works. Any loss during a fiscal year shall be included in the succeeding fiscal year's budget. Any surplus during a fiscal year shall be kept in a separate reserve fund and used for purposes of the Solid Waste Facility.

MOVED: That the Town vote to accept the provisions of M.G.L. Chapter 40, Section 39K (Chapter 177, Section 129 of the Acts of 1990) to establish a Solid Waste Facility Enterprise Fund effective Fiscal Year 1993.

A motion was offered by Mr. Paul Theodore Owens to refer Article 32 back to the Finance Committee for further study and to report back to the next Annual Town Meeting.

Mr. Owens' motion to refer Article 32 to the Finance Committee was presented and carried unanimously by voice vote.

ARTICLE 33: ACCEPT MGL CHAPTER 40, SECTION 39K (ENTERPRISE FUND - PARK AND RECREATION)

To see if the Town will vote to accept the provisions of Chapter 40, Section 39K of the Massachusetts General Laws with respect to the establishment of a Park and Recreation Enterprise Fund effective Fiscal Year 1993; or take any other action relative thereto.

Summary:

Acceptance of Section 39K of Chapter 40 of the General Laws permits the Town to estabish a separate account classified as the "Park and Recreation Enterprise Fund" for the operation of the Park and Recreation Department. The account is to be maintained by the Treasurer and all receipts, revenues and funds derived from all activities of the Park and Recreation Department shall be deposited in a separate account. The Treasurer may invest the funds as authorized by Sections Fifty-five and Fifty-five A of Chapter Forty-four and all interest shall become part of the separate account. The books and records of the separate account shall be maintained in accordance with Section Thirty-eight of Chapter 40.

The Park and Recreation Commission which is responsible for the operation of the Park and Recreation Department, shall submit an estimate of income for the ensuing fiscal year and a proposed line item budget to the Selectmen not later than one hundred and twenty days prior to the beginning of each fiscal year. The Selectmen shall submit their recommendation to the town meeting which shall act on the budget in the same manner as all other budgets.

If the estimated income of the Park and Recreation Department is less than the appropriation for the total expenses of the Park and Recreation Department, the difference shall be added to the tax levy and raised by taxation. If the estimated income is more than the total appropriation, the excess shall be appropriated to a separate reserve fund and used for capital expenditures of the Park and Recreation Department, subject to appropriation, or to reduce user charges if authorized by the Park and Recreation Commission. Any loss during a fiscal year shall be included in the succeeding fiscal year's budget. Any surplus during a fiscal year shall be kept in a separate reserve fund and used for purposes of the Park and Recreation Department.

MOVED: That the Town vote to accept the provisions of M.G.L. Chapter 40, Section 39K (Chapter 177, Section 129 of the Acts of 1990) to establish a Park and Recreation Enterprise Fund to be effective Fiscal Year 1993.

A motion was offered by Mr. Paul Theodore Owens to refer Article 33 back to the Finance Committee for further study and to report back to the next Annual Town Meeting.

Mr. Owens' motion to refer Article 33 to the Finance Committee was presented and carried unanimously by voice vote.

At 10:59 P.M. Mr. Howard B. Bacon moved that the meeting stand adjourned until Monday, May 13, 1991, at 7:30 P.M. at the Newman Middle School and it was so voted.

Theodora K. Eaton, CMC,
Town Clerk

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ADJOURNED ANNUAL TOWN MEETING

May 13, 1991

Pursuant to adjournment of the Annual Town Meeting held May 8, 1991, the Inhabitants of the Town of Needham qualified to vote in Town Affairs met in the Newman Middle School on Monday, May 13, 1991, at 7:30 P.M.

Check lists were used and 273 voters were checked on the list as being present, including 239 Town Meeting Members.

Rev. Roy F. Cederholm, pastor, Christ Episcopal Church, gave the invocation.

The Moderator declared a quorum to be present and requested the Town Clerk to so record.

Mr. H. Phillip Garrity, Jr. moved that the Annual Town Meeting stand adjourned until such time that the Special Town Meeting called for this evening at 7:30 P.M. is either adjourned or dissolved. It was so voted unanimously.

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SPECIAL TOWN MEETING

May 13, 1991

Pursuant to a warrant issued by the Selectmen on April 23, 1991, this meeting was called for May 13, 1991, at 7:30 P.M. The

call to the meeting and the Officer's Return were read by the Town Clerk.

The Moderator declared a quorum to be present and requested the Town Clerk to so record.

Unanimous consent was given to omit the reading of the articles and to refer to them by number only. The same parlimentary rules as outlined for the Annual Town Meeting were adopted.

The Moderator announced that the proponents of Articles 1 and 2 requested unanimous consent to withdraw these articles since the bargaining agreements had not been agreed upon, and it was so voted unanimously.

ARTICLE 3: FISCAL YEAR 1991 BUDGET ADJUSTMENTS

To see if the Town will vote to amend and supercede certain parts of the 1991 Operating Budget, adopted under Article 36 of the 1990 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating new amounts for some of the line items, determine how such amounts are to be raised and how expended; or take any other aciton relative thereto.

MOVED: That the Town appropriate a sum of $49,500. for the purpose of supplementing some of the line item amounts appropriated under budget Article 36 of the 1990 Annual Town Meeting as amended, which are found insufficient to meet the normal costs incurred for the respective services identified with said line items as follows:

Line Item	Appropriation	Projected Deficit
037	Finance, Capital Outlay	$ 7,000.
120	DPW-Sewer, Salaries	$ 7,000.
125	DPW-Water, Salaries	$14,000.
153	Planning - Expenses	$15,000.
157	Conservation Commission-Purchase of Service	$ 2,000.
161	Library - Salaries	$ 2,500.
163	Library - Books & Periodicals	$ 2,000.

and that the above amounts be raised by transfer from the surplus reserves in the line items shown below:

Line Item	Appropriation	Projected Surplus
111	DPW-Garage, Salaries	$ 3,000.
123	DPW-Snow/Emergency, Salaries	$18,000.
152	Planning - Salaries	$22,000.
155	Conservation Commission Salaries	$ 2,000.
162	Library - Purchase of Service	$ 4,500.

ACTION: The main motion was presented and carried unanimously by voice vote.

The following Resolution was offered by Mr. H. Phillip Garrity, Jr.:

WHEREAS, The late Philip T. Bleakney was a life-long resident of the Town of Needham, and

WHEREAS, Philip T. Bleakney served the Town of Needham as a Town Meeting Member from 1976 - 1990, and

WHEREAS, Philip T. Bleakney was a veteran of the Korean War and a member of the Manson H. Carter VFW Post 2498, and

NOW, THEREFORE BE IT RESOLVED by this body that this 1991 Special Town Meeting be dissolved in honor of the many civic contributions of Philip T. Bleakney to the Town of Needham.

ACTION: The Resolution was presented and carried unanimously by voice vote.

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The Moderator called the Annual Town Meeting to order, declared a quorum to be present and requested the Town Clerk to so record.

ARTICLE 23: ACCEPT M.G.L. CHAPTER 40, SECTION 8J (CREATE NEEDHAM COMMISSION ON DISABILITIES)

To see if the Town will vote to accept Chapter 40, Section 8J of the Massachusetts General Laws which provides for the authorization to cities and towns to establish Commission on Disabilities for the purpose of coordinating or carrying out programs designed to meet the needs of residents with disabilities, in cooperation with the Office of Handicapped Affairs and Town agencies, and to raise and appropriate or transfer from available funds a sum of money for this purpose; or take any other action relative thereto.

Summary:

By accepting the provisions of Chapter 40, Section 8J the Town may establish a commission for the purpose of coordinating and/or carrying out programs designed to meet the problems of the handicapped in coordination with programs of the state office of handicapped affairs. The Commission will meet at least six times annually and file an annual report to be printed in the Annual Town Report.

The Commission shall consist of not more than seven members to be appointed by the Selectmen. A majority of the members must be handicapped persons; one may be a member of the immediate family of such handicapped person; and one shall be an elected or appointed official of the Town. The terms of the first members of the Commission shall be for one, two or three years, and so arranged that the term of one of the members expires each year, and their successors shall be appointed for terms of three years each.

The Commission may receive gifts of property in the name of the Town of Needham subject to the approval of the Selectmen.

MOVED: That the Town vote to accept the provisions of M.G.L. Chapter 40, Section 8J.

Mrs. Adrienne S. Dey, Chairman, Needham Council on Disabilities, addressed this proposal on behalf of the Council. She explained that the Council is a grass roots organization founded to study the feasibility of establishing the Commission on Disabilities in the Town of Needham. She noted that over 130 communities in Massachusetts have established these commissions and urged support of this article. Also speaking in favor of this proposal were: Maureen Gallagher, Robert Gumson, Janice Kushner, Marvin Kushner, and Rev. Wayne Kendall, Carter Memorial United Methodist Church.

A motion to amend was offered by Mr. George Tarallo that the sum of $500 be raised from the current tax levy for the use of the Commission.

After a brief discussion, Mr. Richard L. Malconian moved the previous question on the main motion and the motion to amend. Mr.

Malconian's motion was presented and carried unanimously by voice vote.

Mr. Tarallo's motion to amend was presented and carried unanimously by voice vote.

ACTION: The main motion, as amended, was presented and carried unanimously by voice vote.

VOTED: That the Town vote to accept the provisions of M.G.L. Chapter 40, Section 8J and that the sum of $500. be raised from the current tax levy for the use of the Commission.

ARTICLES 24, 25, 26, 27, and 28 were previously adopted on May 8, 1991.

ARTICLE 29: OPERATING BUDGET

To see what sums of money the Town will vote to raise and appropriate for the necessary Town charges and expenses.

The following motion to amend was offered by Mr. Paul Theodore Owens on behalf of the Finance Committee

Description	Line No.	Print Request	Amended Request
Selectmen, Salaries	1	167,895.	178,095.
Selectmen, Purchase of Srvs.	2	109,250.	124,750.
Selectmen, Expenses	3	43,600.	44,400.
Town Clerk, Expenses	16	903.	2,903.
Board of Registrars, Exp.	20	18,785.	17,985.
Finance, Reserve Fund	51	806,347.	556,874.
Education, Salaries	58	14,917,986.	15,689,198.
Education, Instruction	60	573,200.	663,812.
Education, Other School Srvs.	61	77,517.	98,867.
Education, Operation/Maint.	64	1,008,800.	1,037,000.
Education, Community Service	65	0.	66,626.
Minuteman Vocational	72	470,400.	463,088.
Police, Salaries Regular	73	1,870,392.	1,996,610.
Police, Salaries O/T	74	294,199.	298,095.
Police, Supplies & Exp.	82	139,731.	161,730.
Fire, Salaries Regular	88	2,167,873.	2,359,885.
Fire, Purchase of Srvs.	94	89,475.	90,975.
Fire, Supplies & Exp.	95	126,252.	130,855.
Public Works, Purch of Srvs.	107	1,283,397.	1,303,397.
Public Works, Supplies & Exp.	108	438,525.	468,525.
Youth Commission, Salaries	148	48,000.	74,602.
Youth Commission, Expenses	149	2,000.	2,270.
Council on Aging, Salaries	150	48,000.	115,865.
Council on Aging, Expenses	151	2,000.	4,120.
Library, Salaries	161	132,200.	487,000.
Library, Purchase of Srvs.	162	43,800.	69,725.
Library, Books & Periodicals	163	0.	76,625.
Library, Supplies & Exp.	165	7,000.	16,650.
Park & Rec., Salaries	172	189,777.	229,594.
Park & Rec., Expenses	173	20,673.	25,173.
Park & Rec., Purchase of Srvs.	174	19,550.	27,233.
Civil Defense	98	2,000.	3,000.

A second motion to amend was offered by Mr. Paul Theodore Owens on behalf of the Finance Committee as follows:

Under Line Item 73, that $24,000. be transferred from the Parking Meter Fund to partially fund Police salaries.

Under Line Item 106, that $36,000. be transferred from the Parking Meter Fund to partially fund salaries in the Department of Public Works.

Under Line Item 145, that $10,000. be transferred from the Parking Meter Fund to partially fund salaries in the Veterans' Services Department.

Under Line Item 51, that $95,000. be transferred from the Overlay Surplus Fund to partially fund the Reserve Fund.

Mr. Paul Theodore Owens, Chairman, addressed this proposal on behalf of the Finance Committee. Mr. Owens explained that minor changes in the proposed budget represents the passage of the override ballot questions coupled with some minor changes. Free Cash is basically the leftovers from the prior year budget. He did warn that the Town may not have this Free Cash next year and that the Finance Committee will very likely be looking at another $2 to $3 million shortfall. The override only solved this year's problems.

A motion to amend was offered by Mrs. Sally B. Davis that Line Item 107 be increased by $150,000. from $1,283,397. to $1,453,397. and that it is anticipated that the increase in this appropriation shall be met by revenues generated to he general fund from sanitary landfill user fees to be imposed by the Board of Selectmen.

Mr. Russell S. Broad, Jr. suggested a split fee schedule - one fee for residents up to the age of 65 and one fee for residents over the age of 65. Mrs. Davis advised that the final decision will not be made until after a public hearing is held by the Board of Selectmen in the Fall. Mr. Robert A. MacEwen, Director of Public works, advised that the $150,000 increase is to partially restore cuts in that line item made by the Finance Committee. He noted that operating costs have been increasing dramatically while revenue has been decreasing. Mrs. Joan M. Johnson, Chairman, Reclycing Committee, advised that by recylcing last year, $286,000. in costs were avoided last year.

A third motion to amend was offered by Mr. Paul Theodore Owens to add a new line Item 185 entitled Commisssion on Disabilties, Expenses, and to change the amount from $0. to $500. and under Line Item 51 reduce the amount from $556,874. to $556,374.

After a brief discussion, Mr. Owens' third motion to amend creating Line Item 185 was presented and carried unanimously by voice vote.

Mrs. Davis' motion to amend was presented and carried by voice vote.

Mr. Owens' second motion to amend was presented and carried unanimously by voice vote.

Mr. Owens' first motion to amend was presented and carried unanimously by voice vote.

ACTION: The main motion under Article 29 (Operating Budget) with the amendments thereto was then presented and carried by voice vote.

VOTED: That the Town raise and appropriate for the necessary charges and expenses as follows:

BOARD OF SELECTMEN:

1. Salaries	$178,095.
2. Purchase of Service	124,750.
3. Expenses	44,400.
5. Capital Outlay	5,000.
6. Travel Out of State	0.
12. Street Lighting	365,000.

BOARD OF SELECTMEN (Cont.):

14. Garbage	95,000.

TOWN CLERK:

15. Salaries	73,097.
16. Expenses	2,903.
17. Travel Out of State	0.

BOARD OF REGISTRARS:

19. Salaries	45,365.
20. Expenses	17,985.
21. Tellers & Canvassers	11,850.
22. Capital Outlay	0.

LEGAL:

23. Salaries	43,206.
24. Purchase of Service	81,794.
25. Expenses	5,000.

PERSONNEL:

26. Salaries	69,929.
27. Purchase of Service	7,821.
28. Expenses	2,250.

PERSONNEL BOARD:

48. Salaries	1,000.

ASSESSORS:

29. Salaries	184,651.
30. Expenses	7,800.
31. Revaluation	29,549.
32. Capital Outlay	0.

FINANCE DEPARTMENT:

7. Insurance General	624,000.
8. Insurance Group Life A & H	3,980,000.
9. Worker's Compensation	470,000.
10. Property & Casualty Self Insurance	12,000.
11. Uniformed Services/Medical Payments	86,000.
13. Unemployment Comp.	30,000.
33. Salaries	524,000.
34. Purchase of Service	446,172.
35. Out of State Travel	0.
36. Expenses	68,052.
37. Capital Outlay	850.
44. Maturing Bonds	736,333.
45. Bond Interest	259,593.

FINANCE COMMITTEE:

49. Salaries	11,912.
50. Expenses	500.
51. Reserve Fund	556,374.
(Raised by transfer of $95,000.from the Overlay Surplus Fund and the balance of $461,374. from the current tax levy.)	

CONTRIBUTORY RETIREMENT:

52. Salaries	39,942.
53. Contributions	3,526,631.
54. Expenses	3,375.

NON-CONTRIBUTORY RETIREMENT:

56. Chapter 32 Retirements	214,000.

EDUCATION:

58. Salaries	15,689,198.
59. Administration	75,315.
60. Instruction	663,812.
61. Other School Services	98,867.
63. Transportation	529,262.
64. Operation/Maintenance	1,037,000.
65. Community Service	66,626.
67. Tuitions	1,017,920.
68. Out of State Travel	0.
71. Capital Outlay	0.

MINUTEMAN VOCATIONAL TECH:

72. Assessment	463,088.

POLICE:

73. Salaries - regular	1,996,610.
(raised by transfer of $24,000. from the Parking Meter Fund and the balance of $1,972,610. from the current tax levy.)	
74. Salaries - overtime	298,095.
76. Purchase of Service	81,276.
77. Capital Outlay	63,902.
78. Out of State Travel	500.
82. Expenses	161,730.

FIRE:

88. Salaries - regular	2,359,885.
89. Salaries - overtime	445,000.
90. Education/Career Incentive	25,000.
91. In-service Training	97,000.
92. Capital Outlay	18,000.
93. Out of State Travel	1,400.
94. Purchase of Service	90,975.
95. Expenses	130,855.
182. Salaries O/T Alarm Div.	10,000.

CIVIL DEFENSE:

98. Salaries	3,000.
99. Expenses	15,000.
100. Capital Outlay	0.

BUILDING:

101. Salaries	133,828.
102. Expenses	4,205.
103. Capital Outlay	0.

SEALER OF WEIGHTS & MEASURES:

104. Salaries	7,288.
105. Expenses	1,712.

PUBLIC WORKS:

106. Salaries	2,383,485.
(Raised by transfer of $36,000. from the Parking Meter Fund and the balance of $2,347,485. from the current tax levy.)	
107. Purchase of Service	1,453,397.
108. Expenses	468,525.
109. Out of State Travel	1,500.
110. Capital Outlay	223,093.
180. MWRA Sewer	2,476,685.
181. MWRA Water	133,315.
123. Snow & Emergency Salary	60,000.
124. Snow & Emergency Expenses	90,000.

MINI-BUS:

128. Salaries	0.
129. Expenses	0.
130. Bus Contract	0.

BOARD OF HEALTH:

135. Salaries	188,659.
136. Capital Outlay	0.

BOARD OF HEALTH (Cont.):	
137. Out of State Travel	0.
138. Expenses	9,700.
141. Purchase of Service	81,641.
VETERANS' SERVICES:	
145. Salaries	* 39,640.
(Raised by transfer of $10,000. from the Parking Meter Fund and the balance of $29,640. from the current tax levy.)	
146. Expenses & Transportation	3,200.
147. Benefits	41,000.
184. Expenses - Parking Clerk	2,675.
YOUTH COMMISSION:	
148. Salaries	74,602.
149. Expenses	2,270.
143. Capital Outlay	0.
COUNCIL ON AGING:	
150. Salaries	115,865.
151. Expenses	4,120.
178. Capital Outlay	0.
COMMISSION ON DISABILITIES:	
185. Expenses	500.
PLANNING BOARD:	
152. Salaries	68,692.
153. Expenses	3,308.
154. Capital Outlay	0.
CONSERVATION COMMISSION:	
155. Salaries	6,063.
156. Expenses	1,150.
157. Purchase of Service	3,287.
BOARD OF APPEALS:	
158. Salaries	4,900.
159. Expenses	3,100.
144. Capital Outlay	0.
HISTORICAL COMMISSION:	
160. Expenses	500.
LIBRARY:	
161. Salaries	487,000.
162. Purchase of Service	69,725.
163. Books & Periodicals	76,625.
164. Building Maintenance	0.
165. Expenses	16.650.
166. Capital Outlay	0.
PARK & RECREATION:	
172. Salaries	229,594.
173. Expenses	25,173.
174. Purchase of Service	27,233.
018. Capital Outlay	0.
MEMORIAL PARK:	
175. Expenses	600.
176. Capital Outlay	0.

ARTICLES 30, 31, 32, AND 33 were previously referred to the Finance Committee on May 8, 1991..

ARTICLE 34: ESTABLISHMENT OF CENTRAL PURCHASING STUDY COMMITTEE

To see if the Town will vote to establish a Centralized Purchasing Study Committee composed of four members comprised of the Town Comptroller, the School Department Administrator of Business Services, the Town Administrator, and a representative from the Finance Committee to be appointed by the Finance Committee; said Committee to study the means to coordinate major purchasing by Town departments and to report to the next Annual Town Meeting or sooner; or take any other action relative thereto.

MOVED: That the Town establish a Centralized Purchasing Committee composed of four members comprised of the Town Comptroller, the School Department Administrator of Business Services, the Town Administrator, and a representative from the Finance Committee to be appointed by the Finance Committee; direct and authorize said Committee to study the means to coordinate major purchasing by Town departments; said Committee to report to the next Annual Town Meeting or sooner.

Mr. Paul Theodore Owens, Chairman, addressed this proposal on behalf of the Finance Committee. Mr. Owens advised that the Finance Committee felt it would be worthwhile to determine if there would be any potential savings in developing a central purchasing system.

ACTION: The main motion was presented and carried unanimously by voice vote.

ARTICLE 35: ESTABLISHMENT OF BUILDINGS & GROUNDS STUDY COMMITTEE

To see if the Town will vote to establish a Building and Grounds Study Committee composed of five members, one from each of the following entitites, to be appointed by said entities: the Department of Public Works, the School Committee, Board of Selectmen, Hospital Board of Trustees and the Finance Committee; direct and authorize said Committee to study the creation of a Centralized Buildings and Ground Division which would coordinate repair and renovation projects and monitor the maintenance of existing buildings and grounds; said Committee to report to the next Annual Town Meeting or sooner; or take any other action relative thereto.

MOVED: That the Town establish a Building and Grounds Study Committee composed of five members, one from each of the following entitites, to be appointed by said entities: the Department of Public Works, the School Committee, Board of Selectmen, Hospital Board of Trustees and the Finance Committee; said Committee to study the creation of a Centralized Buildings and Ground Division which would coordinate repair and renovation projects and monitor the maintenance of existing buildings and grounds and report to the next Annual Town Meeting or sooner.

A motion to amend was offered by Mr. Paul Theodore Owens to change "five members" to "six members" and add after the colon the words "Park and Recreation Commission,".

Mr. Paul Theodore Owens, Chairman, addressed this proposal on behalf of the Finance Committee. He explained that the Finance Committee is concerned with the proper maintenance of the Town's buildings.

A motion to amend was offered by Mr. Thomas M. Harkins to change "five members" to "seven members" and add before the semi-colon the words "Board of Library Trustees".

A third motion to amend was offered by Mr. David W. Kunhardt to add after the words "building and grounds;" the words "to explore the

potential benefits, if any, of contracting for such services with private companies."

Mr. Kunhardt's motion to amend was presented and carried by voice vote.

Mr. Owens' motion to amend was presented and carried by voice vote.

Mr. Harkins' motion to amend was presented and carried by voice vote.

ACTION: The main motion, as amended, was presented and carried by voice vote.

VOTED: That the Town establish a Buildings and Grounds Study Committee composed of seven members, one from each of the following entities, to be appointed by said entities: Park and Recreation Commission, the Department of Public Works, the School Committee, Board of Selectmen, Hospital Board of Trustees, the Finance Committee and Board of Library Trustees; said Committee to study the creation of a Centalized Building and Grounds Division which would coordinate repair and renovation projects and monitor the maintenance of existing buildings and grounds; to explore the potential benefits, if any, of contracting for such services with private companies and report to the next Annual Town Meeting or sooner.

ARTICLE 36: AUTHORIZATION TO BORROW (SCHOOL BUILDINGS - ARCHITECT FEES)

To see if the Town will vote to raise and appropriate a sum of money for architectural and engineering design and bidding services for the renovation of certain school facilities, to be spent under the direction of the School Committee, to determine how such sum of money shall be raised; or take any other action relative thereto.

MOVED: That the Town raise and appropriate the sum of $300,000. for architectural and engineering design and bidding services for the renovation of and additions to the Pollard Middle School, to be spent under the direction of the School Committee; that to meet this appropriation the Treasurer, with the approval of the Selectmen, is authorized to borrow $300,000. for a period of time up to five years under M.G.L. Chapter 44, Sections 7(21) and 7(22); and, that the Town raise and appropriate the sum of $200,000. for architectural and engineering design and bidding services for the renovation of the Newman School Building, to be spent under the direction of the School Committee; that to meet this appropriation the Treasurer, with the approval of the Selectmen, is authorized to borrow $200,000. for a period of time up to five years under M.G.L. Chapter 44, Section 7(22).

Mrs. Claire Kroll Fusaro, Chairman, addressed this proposal on behalf of the School Committee. She advised that there will be increased enrollment of approximately 300 students in the 1990s. The proposal for these two school buildings will make them energy efficient and add necessary classrooms. According to Mrs. Fusaro, this is not a sudden proposal, but one that has been in the planning for several years. The School Committee is glad that the override passed, but it is still operating at a reduced budget. This request is a capital expenditure and it is not appropriate to put this in the operating budget. There is a critical need to do both buildings. The Pollard is the worse for deterioration and it is timely to address the Newman because it is empty.

Dr. Frederick J. Tirrell, Superintendent of Schools, presented slides depicting the areas of concern at both school buildings. He advised that the School Committee is in the second phase of its long range facility plan.

Mr. Robert E. Chase, Chairman of the Future School Needs Committee, pointed out that a new school could cost in excess of $10 million. He urged support of this proposal on behalf of the Future School Needs Committee.

Mr. Keith M. McClelland, member, supported this proposal on behalf of the Finance Committee. He advised that the project is needed, this plan is the best route available to Town Meeting, and costs could be lower in this present economy.

Several Town Meeting Members expressed concern about the proposed cost of these renovations and additions. Mr. Ron Sockol suggested that $3 million is rather high for paint and glass replacement. Mr. Howard B. Bacon suggested going out to bid for architectural and engineering design for these buildings.

A motion to move the previous question was offered by Mr. Charles W. Wyckoff. The motion was presented, but it failed to pass by voice vote.

Town Meeting Member, Lois Sockol, expressed concern for the safety of the children if the Newman School building was converted to an elementary school. In response, Mrs. Fusaro advised that renovation of the Newman as a middle school is more costly and that the drop off facility at Newman is the best in town.

Town Meeting Member, Elsie Robinson, questioned the educational value of moving the administraters from the Emery Grover building to the Newman School building with the students.

Town Meeting Member, Gerald R. Browne, questioned the need for an architect to tell the town what is already listed in the School Committee's handout. He noted the possibility of spending $500,000. for architectural and engineering designs and then having the town defeat the override ballot question.

Mr. Daniel P. Matthews opposed this article. He advised that long term bonding for building repairs and renovations is not traditional. Costs for repairs and renovations were previously placed in the operating budget under capital maintenance. He also noted that reimbursement is not likely and suggested that the Town find more creative ways to use existing space.

At 11:35 P.M. Mrs. Cynthia Conturie moved that the meeting stand adjourned until Wednesday, May 15, 1991, at 7:30 P.M. at the Newman Middle School and it was so voted unanimously.

Theodora K. Eaton, CMC,
Town Clerk

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ADJOURNED ANNUAL TOWN MEETING
May 15, 1991

Pursuant to adjournment of the Annual Town Meeting held May 13, 1991, the Inhabitants of the Town of Needham qualified to vote in Town Affairs met in the Newman Middle School on Wednesday, May 15, 1991, at 7:30 P.M.

Check lists were used and 257 voters were checked on the list as being present, including 235 Town Meeting Members.

Rev. Richard A. Horner, Pastor, Grace Lutheran Church, gave the invocation.

The Moderator declared a quorum to be present and requested the Town Clerk to so record.

Discussion under Article 36 (Authorization To Borrow (School Buildings - Architects Fees) commenced with the Moderator reading the main motion previously placed on the floor on Monday, May 13, 1991.

MOVED: That the Town raise and appropriate the sum of $300,000. for architectural and engineering design and bidding services for the renovation of and additions to the Pollard Middle School, to be spent under the direction of the School Committee; that to meet this appropriation the Treasurer, with the approval of the Selectmen, is authorized to borrow $300,000. for a period of time up to five years under M.G.L. Chapter 44, Sections 7(21) and 7(22); and, that the Town raise and appropriate the sum of $200,000. for architectural and engineering design and bidding services for the renovation of the Newman School Building, to be spent under the direction of the School Committee; that to meet this appropriation the Treasurer, with the approval of the Selectmen, is authorized to borrow $200,000. for a period of time up to five years under M.G.L. Chapter 44, Section 7(22).

A motion to amend was offered by Mr. Jeffrey Kleiman to add to the end of the main motion the words "in the event of renovation of and/or additions to either school consider salvaging and/or resale of abandoned building materials.".

A second motion to amend was offered by Mrs. Sheila G. Pransky to strike the words "of and additions to".

A third motion to amend was offered by Elsie Robinson to refer the subject matter of Article 36 to the School Committee for less expensive and more creative planning, to be completed in stages because of the present economy.

A fourth motion to amend was offered by Mr. James Hugh Powers by inserting after the words "Newman School Building", in line 11, a coma and the words "not to include provision for relocating the School Department Headquarters from the Emery Grover School Building to said Newman School Building".

Mrs. Claire Kroll Fusaro, Chairman, Needham School Committee, explained that there are two problems to address - deterioration of the buildings and increasing crowding. She expressed concern that the project is delayed until the buildings are unsafe, the walkways closed, and buckets are needed to catch the drips from leaking roofs. Mrs. Fusaro noted that the heating systems require a major overhaul. There is much more to be gained by renovation than by repairs. She also explained that an architect is needed because it is required under M.G.L. Chapter 7, it is illegal to proceed any other way, and the regulations dictate the bid process.

Mr. Jeffrey Kleiman suggested selling the construction waste material to reduce some of the costs.

Mrs. Pransky suggested that perhaps this issue should be divided. Residents may want choices and not the whole package.

Mrs. Elsie Robinson indicated that the town cannot afford $10 million at this time and suggested doing this project in stages and only what is necessary.

Mr. James Hugh Powers urged support of this article. He advised, however, that Proposition 2 1/2 still exists and the town may need to have more override ballot questions next year just to remain level funded. He expressed concern with moving the administration from the Emery Grover to the Newman School building and indicated top priority should be to the teaching facilities and the students.

Town Counsel, David S. Tobin, expressed concern with Mr. Jeffrey Kleiman's motion regarding salvaging because bond counsel may feel that this is a conditional vote.

A motion to withdraw his amendments was offered by Mr. Jeffrey Kleiman. The motion to withdraw was presented and carried unanimously by voice vote. Mr. David C. Gerber, however, noted that it is very common to include salvage provisions in contracts.

Mr. Eric W. Fleming opposed Mr. Power's motion to amend to restrict administrators to the Emery Grover building. He suggested a cost savings on heating, maintenance, etc. by moving the administrators to the Newman School building.

Mr. John W. Lebourveau advised that this article be deferred until the 1992 Annual Town Meeting in order to keep the town's debt at a manageable level.

Mr. Daniel P. Matthews advised that not all aspects of these renovations need architects and that renovation is more expensive than breaking these projects down under capital maintenance. He suggested that these proejcts are combined to qualify for State Aid and there is not going to be any aid. In prior years there were capital maintenance programs. Mr. Matthews opposed this article and suggested searching for better methods. He also stated that the School Committee provided salary increases in excess of last year's Town Meeting mandate not to exceed 2 1/2%.

Maryruth Perras, member, Future School Needs Committee, noted that the Committee remains in support of Article 36. She advised that the architect is needed because the new heating/ventilation system and new windows for the Newman exceed the $100,000. requirement under M.G.L. Chapter 7.

A motion to amend was offered by Mr. Robert J. Moore to refer the subject matter of Article 36 to a committee consisting of seven members to be appointed by the same appointing authorities as contained in Article 35 of this Annual Town Meeting, the members to be consistent with the positions required by General By-Laws section 1.8.1.

The following Town Meeting Members opposed the motion to refer: Barbara K. Popper, Meredith P. Page, and John J. Ryan.

Mr. H. Phillip Garrity, Jr., Chairman, Board of Selectmen, explained that whether we like it or not, something must be done with the buildings. Because of the economy, the budget will be by ballot in the foreseeable future. We must have a solid foundation including working plans on what is going to be done.

Mr. William A. Zoppo rose to request a division of the main motion and was joined by more than the required twenty Town Meeting Members (General By-Laws Section 1.7).

A motion to move the previous question was offered by Mr. Lee B. Manning. The motion was presented, but the Moderator was in doubt as to the voice vote. The following Town Meeting Members were sworn in as Tellers: Gregory John Shesko, Robert Y. Larsen, Vincent C. Nuccio, Leroy J. Nutile, Meredith P. Page, and Foster S. Crook. The motion to move the previous question was again presented, but it failed to pass by the required two-thirds vote. The hand count was Yes 116 - No 105.

Mr. David Summergrad, School Committee member, clarified several issues. 1) the Emery Grover building is not energy efficient, 2) it would not be costly to move the administration to the Newman building, and 3) the Newman and Pollard School buildings were in deplorable condition several years ago. This is a major overhaul to make the schools available for the 1990s and 2000s.

After a brief discussion, a motion to move the previous question was offered by Mr. Gerald R. Browne. The motion was presented and carried by voice vote.

Mr. James Hugh Powers' motion was presented, but it failed to pass by voice vote.

Mr. Robert J. Moore's motion to refer was presented, but it failed to pass by voice vote.

Mr. Robert D. Hall, Jr. rose to request a roll call vote, but was not joined by the required twenty-five Town Meeting Members (General By-Laws Section 1.4). Therefore, the Moderator announced that the request does not carry.

Mrs. Elsie Robinson's motion to refer was presented, but it failed to pass by voice vote.

Mrs. Sheila G. Pransky's motion to amend was presented, but it failed to pass by voice vote.

ACTION: The first part of the main motion, which requires a two-thirds vote, was presented and carried by a count of hands. The hand count was Yes 174 - No 51. The second part of the main motion, which requires a two-thirds vote, was presented, but it failed to pass. The hand count was Yes 149 - No 77. Mrs. Claire Kroll Fusaro rose to request a roll call vote and was joined by more than the required twenty-five Town Meeting Members (General By-Laws Section 1.4). The second part of the motion was again presented, which requires a two-thirds vote, but it failed to pass. The roll call was Yes 154 - No 79. A motion to refer the second part of the main motion to the School Committee for further study was offered by Mr. Eric W. Fleming. The motion was presented and carried unanimously by voice vote.

VOTED: That the Town raise and appropriate the sum of $300,000. for architectural and engineering design and bidding services for the renovation of and additions to the Pollard Middle School, to be spent under the direction of the School Committee; that to meet this appropriation the Treasurer, with the approval of the Selectmen, is authorized to borrow $300,000. for a period of time up to five years under M.G.L. Chapter 44, Sections 7(21) and 7(22). The second part of the main motion was referred to the School Committee for further study.

At this time the Moderator thanked Mr. Steve Tedeschi for setting up the audio-visual equipment, and Paul Lamb and Ed MacKinnon, custodians, for their assistance during this Annual Town Meeting. He also thanked the following members of the Personnel Board and the Finance Committee whose term of office ends this year for the many unpaid hours these individuals have volunteered to the Town: Marjorie Reid, James C. Brierley, John F. Milligan, Carol R. Lintz, and Keith M. McClelland. Mr. Melick noted that in contrast to last year's Town Meeting, which he classified as a "Horror Show", this was a good year. He reiterated Mr. Owens' concern that next year will see another $2 - $3 million deficit.

ARTICLE 37: ESTABLISHMENT OF STANDING BUILDING COMMITTEE

To see if the Town will vote to establish a School Department Facilities Building Committee to study and develop plans for the construction, reconstruction, alteration, enlargement, renovation or expansion of the facilities under the jurisdiction of the School Department and to serve as the core of any Committee later established to oversee the development and implementation of plans for work on a particular facility; said Committee members to be appointed by the School Committee and said members shall include but not be limited to the Superintendent or his designee, one or more representatives of the School Committee and all those persons required by Section 17 of Article II of the General By-Laws of the Town of Needham; direct and authorize said Committee to report its findings and recommendations at the next Annual Town Meeting or sooner; or take any other action relative thereto.

MOVED: That the Town establish a School Department Facilities Building Committee to study and develop plans for the construction, reconstruction, alteration, enlargement, renovation or expansion of the facilities under the jurisdiction of the School Department and to serve as the core of any Committee later established to oversee the development and implementation of plans for work on a particular facility; said Committee members to be appointed by the School Committee and said members shall include but not be limited to the Superintendent or his designee, one or more representatives of the School Committee and all those persons required by Section 1.8.1 of recently recodified General By-Laws of the Town of Needham; direct and authorize said Committee to report its findings and recommendations at the next Annual Town Meeting or sooner.

ACTION: The main motion was presented and carried by voice vote.

ARTICLE 38: ADJUST TRAVEL REIMBURSEMENT FOR PERSONAL CARS ON TOWN BUSINESS

To see if the Town will vote to increase the amount paid to Town officers and employees for use of privately owned motor vehicles for Town purposes from the present rate of 18 cents (eighteen cents) per mile to 22 cents (twenty-two cents) per mile; or take any other action relative thereto.

MOVED: That the Town increase the amount paid to Town officers and employees for the use of privately owned motor vehicles for Town purposes from the present rate of .18 cents (eighteen cents) per mile to .22 cents (twenty-two cents) per mile.

Mr. Carl Valente, Town Administrator, advised that the current rate was last addressed in 1980. A recent survey showed a range of .20 cents - .25 cents per mile reimbursement.

ACTION: The main motion was presented and carried unanimously by voice vote.

ARTICLE 39: TRANSFER UNEXPENDED BALANCES

To see if the Town will vote to transfer the following unexpended balances to the Sanitary Landfill Closing appropriation voted under Article 18 of the 1987 Annual Town Meeting:

$5,937.18 Design Traffic Signals Dedham Ave. and South St.
Article 7 of the 1988 Special Town Meeting

$47,075.22 Install Traffic Signals Dedham Ave. and South St.
Article 27 of the 1988 Annual Town Meeting;

or take any other action relative thereto.

MOVED: That the Town transfer the following unexpended balances to the Sanitary Landfill Closing appropriation voted under Article 18 of the 1987 Annual Town Meeting:

$5,937.18 Design Traffic Signals Dedham Ave. and South St.
Article 7 of the 1988 Special Town Meeting.

$47,075.22 Install Traffic Signals Dedham Ave. and South St.
Article 27 of the 1988 Annual Town Meeting.

A motion to amend was offered by Mrs. Sally B. Davis by adding to the end the following:

413,670.68 Construction of Kendrick St. Bridge Article 6 of
the 1988 Special Town Meeting.

The motion to amend was presented and carried unanimously by voice vote.

ACTION: The main motion, as amended, was presented and carried unanimously by voice vote.

VOTED: That the Town transfer the following unexpended balances to the Sanitary Landfill Closing appropriation voted under Article 18 of the 1987 Annual Town Meeting:

$5,937.18 Design Traffic Signals Dedham Ave. and South St. Article 7 of the 1988 Special Town Meeting.

$47,075.22 Install Traffic Signals Dedham Ave. and South St. Article 27 of the 1988 Annual Town Meeting.

413,670.68 Construction of Kendrick St. Bridge Article 6 of the 1988 Special Town Meeting.

ARTICLE 40: AUTHORIZATION TO BORROW (SEWER SYSTEM REHABILITATION

To see if the Town will vote to raise and appropriate the sum of $500,000. to rehabilitate certain portions of the sanitary sewer system; determine how such sum shall be raised and how expended; or take any other action relative thereto.

MOVED: That the Town raise and appropriate the sum of $500,000. to rehabilitate certain portions of the sanitary sewer system; that to meet this appropriation the Treasurer, with the approval of the Selectmen, is authorized to borrow $500,000. for a period of time up to 30 years under M.G.L. Chapter 44, Section 7(1).

ACTION: The main motion was presented and carried unanimously by voice vote.

ARTICLE 41: AUTHORIZATION TO BORROW (WATER SYSTEM REHABILITATION)

To see if the Town will vote to raise and appropriate the sum of $500,000. for the rehabilitation and improvement of the water system including studies, engineering service, plans, specifications and contract documents for main relining and replacement and pumping station improvements; determine how such sum shall be raised and how expended; or take any other action relative thereto.

MOVED: That the Town raise and appropriate the sum of $500,000. for the rehabilitation and improvement of the water system including studies, engineering service, plans, specifications and contract documents for main relining and replacement and pumping station improvements; that to meet this appropriation the Treasurer, with the approval of the Selectmen, is authorized to borrow $500,000. for a period of time up to 40 years under M.G.L. Chapter 44, Sections 8(5) and 8(6).

ACTION: The main motion was presented and carried unanimously by voice vote.

ARTICLE 42: TRANSFER OF FREE CASH (UNRESERVED FUND BALANCE)

To see if the Town will vote to transfer a sum from the Free Cash Certified Account to meet, in part, appropriations made at this Town Meeting, and to authorize the Town Assessors to use such sum as available funds to meet appropriations in their computation of the tax rate for the fiscal year 1992; or take any other action relative thereto.

MOVED: That the Town transfer $1,099,000. from the Free Cash Certified Account to meet, in part, appropriations made at this Town Meeting, and authorize the Town Assessors to use such sum as available funds to meet appropriations in their computation of the tax rate for the fiscal year 1992.

ACTION: The main motion was presented and carried unanimously by voice vote.

ARTICLE 43: CONTINUE NON-CRIMINAL DISPOSITION AND RECODIFICATION STUDY COMMITTEE

To see if the Town will vote to continue the Non-Criminal Disposition and Recodification Study Committee, for the purpose of studying the various rules and regulations of the various boards of the Town and the ordinances and by-laws of the Town to recommend to the Town which such rules, regulations, ordinances and by-laws should be treated as non-criminal violations under the provisions of M.G.L. Chapter 40, Section 21D, and further to study the Town's General By-laws so as to recommend to the Town a recodification of the General By-laws. Said Committee shall be made up of five members, two of whom shall be appointed by the moderator and three of whom shall be appointed by the Board of Selectmen, as originally established by vote under Article 66 of the 1988 Annual Town Meeting; and last continued by vote under Article 41 of the 1990 Annual Town Meeting; said Committee shall report back to the next Annual Town Meeting;

or take any other action relative thereto.

MOVED: That the Town continue the Non-Criminal Disposition and Recodification Study Committee, for the purpose of studying the various rules and regulations of the various boards of the Town and the ordinances and by-laws of the Town to recommend to the Town which such rules, regulations, ordinances and by-laws should be treated as non-criminal violations under the provisions of M.G.L. Chapter 40, Section 21D, and further to study the Town's General By-laws so as to recommend to the Town a recodification of the General By-laws. Said Committee shall be made up of five members, two of whom shall be appointed by the moderator and three of whom shall be appointed by the Board of Selectmen, as originally established by vote under Article 66 of the 1988 Annual Town Meeting; and last continued by vote under Article 41 of the 1990 Annual Town Meeting; said Committee shall report back to the next Annual Town Meeting.

A motion was offered by Mr. David F. Eldridge, Jr. to postpone indefinitely the subject matter of Article 43.

Mr. Eldridge's motion to postpone indefinitely was presented and carried unanimously by voice vote.

ARTICLE 44: CONTINUE TOWN GOVERNMENT REVIEW COMMITTEE

To see if the Town will vote to continue the Town Government Review Committee, established by vote of the 1988 Annual Town Meeting under Article 65; and last continued by vote under Article 43 of the 1990 Annual Town Meeting; said Committee to make a study relative to the Charter, structure and management of the Town Government and to the delivery of Town services, with a view to ways and means of improving the same; that the several officers, departments, boards, committees and other administrative agencies of the Town provide said Committee with such information and materials relative to their organization, functions and activities, other than information and records classified as confidential by State and Federal laws and regulations, as

said Committee may request; and report its recommendations to the next Annual Town Meeting or sooner;

or take any other action relative thereto.

MOVED: That the Town continue the Town Government Review Committee, established by vote of the 1988 Annual Town Meeting under Article 65; and last continued by vote under Article 43 of the 1990 Annual Town Meeting; to make a study relative to the Charter, structure and management of the Town Government and to the delivery of Town services, with a view to ways and means of improving the same; that the several officers, departments, boards, committees and other administrative agencies of the Town provide said Committee with such information and materials relative to their organization, functions and activities, other than information and records classified as confidential by State and Federal laws and regulations, as said Committee may request; and report its recommendations to the next Annual Town Meeting or sooner.

ACTION: The main motion was presented and carried unanimously by voice vote.

ARTICLES 45, 46, and 47 were previously adopted unanimously on May 6, 1991

MOVED: Under Article 48, Mr. James Hugh Powers offered the following motion:

That the School Committee be instructed to submit to the Town Administrator, under Section 2.3 of the General By-Laws, as part of said Committee's capital budget request schedule, a long-range school building capital maintenance program, to be processed through the Board of Selectmen and Finance Committee for presentation to the Town Meeting as prescribed in said Section 2.3; that said school building capital maintenance program give the highest priority to the repair and renovation of those school buildings which are in the most urgent need of attention; and that the Finance Committee report out the first phase of said school building capital maintenance program, prior to the 1992 Annual Town Meeting, early enough to afford the Board of Selectmen an opportunity to place upon the 1992 Annual Town Election Ballot any Proposition 2 1/2 override question relative to such program aforesaid as said Board may determine to be appropriate at that time in the exercise of its statutory authority and discretion.

ACTION: The motion was presented and carried by voice vote.

MOVED: Under Article 48, Mrs. Marcia M. Carleton offered the following Resolution:

WHEREAS, the very survival of municipal government has depended on adequate amounts of revenue sharing from the state, and

WHEREAS, local governments cannot raise the money needed to provide essential services without the active participation of the state, and

WHEREAS, local government provides the most basic services to citizens; police and fire protection, education, water and sewer services, trash disposal and the like, and

WHEREAS, drastic reductions in state revenue sharing will inevitably result in decreases in basic local services or increases in the regressive property tax, and

WHEREAS, Question 5 was approved by 1.2 million voters or 57 percent in the November 1990 election:

THEREFORE, BE IT RESOLVED that the Needham Town Meeting urges the legislature to continue its necessary partnership with municipalities by refusing to agree to disastrous cuts in state revenue sharing in FY '92.

ACTION: Said Resolution was presented and carried unanimously by voice vote.

MOVED: Under Article 48, Mr. Paul Theodore Owens offered the following Resolution:

BE IT RESOLVED THAT this Town Meeting directs the Finance Committee to study alternative methods of raising revenue for the Town, including but not limited to the possibility of changes in the tax levy annual growth limit of two-and-one-half percent, and to report back to the next session of Town Meeting.

ACTION: Said Resolution was presented and carried unanimously by voice vote.

MOVED: Under Article 48, Mrs. Betsy M. Tedoldi offered the following Resolution:

BE IT RESOLVED THAT an exploratory committee be established to coordinate with neighboring towns, the possibility of regionalizing certain mutual needs. Three members to be chosen as follows: Selectmen - 1 member, School Committee - 1 member, Moderator - 1 member.

ACTION: Said Resolution was presented and carried by voice vote.

MOVED; Under Article 48, Mrs. Caroline D. Murray offered the following Resolution

WHEREAS, On April 14, 1642 the General Court passed the Massachusetts School Act requiring every town to appoint a schoolmaster, and

WHEREAS, On Tuesday, April 14, 1992 the American public school system will be 350 years old, and

WHEREAS, There is a need to refocus public attention upon the public schools and to generate a new commitment to them within the broad population of every town and city.

THEREFORE, BE IT RESOLVED that the Town of Needham, on the floor of its Annual Town Meeting, under the concluding Omnibus Article, adopts a resolution proclaiming April 14, 1991 through April 14, 1992 as a time to celebrate the "Year of the Public Schools" in our community.

That the Town of Needham create a committee to plan and oversee such a celebration. This committee shall have seven (7) members: Two (2) chosen by the Moderator, two (2) chosen by the School Committee, two (2) chosen by the Board of Selectmen, and one (1) chosen by the Library Trustees.

ACTION: Said Resoslution was presented and carried unanimously by voice vote.

MOVED: Under Article 48, Mr. Jonathan M. Davis offered the following Resolution:

WHEREAS, Mr. Robert A. MacEwen has been a Needham resident for approximately 40 years, received his civil engineering degree from Northeastern University, served as a Marine Corps engineer from 1951 - 1953, has been an employee of the Town of Needham for 38 years hired on April 6, 1953, promoted to Superintendent of the Highway Division in 1959 and becoming Director of the Needham Department of Public Works in 1966, and

WHEREAS, Mr. Robert A. MacEwen has been the recipient of numerous national, state and local awards and honors in the field of Public Works and Safety including serving as President of the New England Chapter of the American Public Works Association in 1969, said organization naming him Man of the Year in 1975, and having been honored as the Norfolk-Bristol-Middlesex Highway Official of the Year in 1984, and named the Outstanding Municipal Employee of the Year by the Massachusetts Municipal Association in 1986.

THEREFORE, BE IT RESOLVED THAT in honor of his 25th anniversary as Director of the Department of Public Works this 1991 Needham Annual Town Meeting congratulates him for his accomplishments and appreciates the standard of excellence Mr. Robert A. MacEwen has set for his fellow town employees.

ACTION: Said Resolution was presented and carried unanimously by voice vote.

MOVED: Under Article 48, Mr. H. Phillip Garrity, Jr. offered the following Resolutions:

RESOLUTION

WHEREAS, John E. Cotter served the Town of Needham as a Town Meeting Member from 1954 - 1973, and

WHEREAS, John E. Cotter served the Town of Needham Fire Department for many years, retiring as Deputy Fire Chief in 1974, and

WHEREAS, John E. Cotter was a member of the Needham Village Club for 40 years, and former state secretary of the Massachusetts Retired Police and Firefighter Association.

NOW, THEREFORE BE IT RESOLVED by this body that the 1991 Annual Town Meeting be dissolved in honor of the many civic contributions of John E. Cotter to the Town of Needham.

RESOLUTION

WHEREAS, Donald E. Kidd served the Town of Needham as a Town Meeting Member from 1974 - 1990 and as a Member at Large from 1969 - 1973, and

WHEREAS, Donald E. Kidd served as past Chairman of the Finance Committee, Chairman of the School Re-Use Committee and Chairman of the Town Asset Review Committee and as a volunteer on many other town committees, and

WHEREAS, Donald E. Kidd was an active long-time member of the Exchange Club and an active member of Christ Episcopal Church.

NOW, THEREFORE BE IT RESOLVED THAT by this body that the 1991 Annual Town Meeting be dissolved in honor of the many civic contributions of Donald E. Kidd to the Town of Needham.

ACTION: At 11:45 P.M. said Resolutions were presented and carried unanimously by voice vote.

Theodora K. Eaton, CMC
Town Clerk

a true copy
ATTEST: